

24 FEBRUARY 1948

I N D E X

	<u>Page</u>
Summation by the Prosecution (cont'd) by Mr. Comyns Carr	40912
Summation by the Prosecution (cont'd) by Mrs. Lambert	40925
<u>MORNING RECESS</u>	40967
Summation by the Prosecution (cont'd) by Mrs. Lambert	40968
Summation by the Prosecution (cont'd) by Judge Hsiang	40984
<u>NOON RECESS</u>	41010
Summation by the Prosecution (cont'd) by Judge Hsiang	41011
Summation by the Prosecution (cont'd) by Mr. Wiley	41024
Summation by the Prosecution (cont'd) by Mr. Comyns Carr	41046
<u>AFTERNOON RECESS</u>	41068
Summation by the Prosecution (cont'd) by Mr. Comyns Carr	41069

Tuesday, 24 February 1948

INTERNATIONAL MILITARY TRIBUNAL
FOR THE FAR EAST
Court House of the Tribunal
War Ministry Building
Tokyo, Japan

The Tribunal met, pursuant to adjournment,
at 0930.

Appearances:

For the Tribunal, all Members sitting, with
the exception of: HONORABLE JUSTICE LORD PATRICK,
Member from the United Kingdom of Great Britain, not
sitting from 0930 to 1600; HONORABLE JUSTICE B. V. A.
ROLING, Member from the Kingdom of the Netherlands,
not sitting from 1500 to 1600.

For the Prosecution Section, same as before.

For the Defense Section, same as before.

(English to Japanese and Japanese
to English interpretation was made by the
Language Section, IMTFE.)

S
p
r
a
t
t
&
L
u
d
a

1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now in session.

3 THE PRESIDENT: All the accused are present
4 except UMEZU, who is represented by counsel. The Sugamo
5 Prison surgeon certifies that he is ill and unable to
6 attend the trial today. The certificate will be recorded
7 and filed.

8 With the Tribunal's permission, the accused
9 ARAKI will be absent from the courtroom for the entire
10 day, conferring with his counsel.

11 Mr. Comyns Carr.

12 MR. COMYNS CARR: May it please the Tribunal.

13 VIII. Air Attacks on Nanking, Its Capture
14 and Subsequent Atrocities There.

15 FF-97. In an aide memoire from the American
16 Embassy to HIROTA on 1 September 1937, attention was
17 called to the fact that despite the United States
18 request of 23 August not to bomb Nanking and thus en-
19 danger the lives of foreign nationals there, the
20 Japanese had on the night of 26 August bombed the city
21 and endangered United States lives and property. It
22 was requested that instructions be issued to the military
23 forces to discontinue these attacks.
24 a.

25 FF-98. On 20 September, Grew stated that as a
FF-97. a. Ex. 988, T. 9568.)

1 result of repeated protests concerning indiscriminate
2 bombings in the Nanking area, it seemed that the
3 Japanese Government was taking measures. Word had been
4 received that no bombing would take place after the
5 25th.^{a.}

6 FF-99. Also on 20 September 1937, Grew in a
7 conversation with HIROTA pointed out the serious effect
8 the bombing of Nanking would have in the United States
9 and other countries. HIROTA replied that he had
10 ordered that in the bombing of the 21st care be taken
11 to avoid injury to foreign establishments, although
12 the civil government in Tokyo had very little influence
13 over the forces where their general objectives were
14 concerned.^{a.}

15 FF-100. Again, on 22 September 1937, Grew
16 complained to HIROTA about the request for withdrawal
17 of American nationals from Nanking in view of the
18 repeated Japanese assurances that non-military and non-
19 combatants would not be bombed.^{a.} To this HIROTA replied
20 on 30 September 1937, that since Nanking was a center
21 of military operations, it was unavoidable that military
22 establishments in and around Nanking would be bombed.^{b.}

23
24 (FF-98. a. Ex. 3281, T. 29,948.
25 FF-99. a. Ex. 3282, T. 29,949.
FF-100. a. Ex. 956, T. 9548.
b. Ex. 2531, T. 21,390.)

1 Nevertheless, even after military operations had ceased,
2 United States nationals were unable to return to the
3 city; hence on 4 April 1938, Grew wrote to HIROTA
4 drawing his attention to the fact that although Nanking
5 had been occupied for three months, United States
6 nationals were still prevented from returning to the
7 city by the Japanese military. ^{c.}

8 FF-101. On 16 December 1937, the British
9 Ambassador addressed a protest to HIROTA complaining
10 of the attacks made on British warships and shipping
11 at Wuhu and near Nanking by Japanese air and land forces
12 on 12 December. He stated that previous assurances had
13 brought forth no results and punishment was the only
14 efficacious method to prevent such outrages. ^{a.} HIROTA
15 apologized to Craigie for the bombings in the vicinity
16 of Nanking and gave assurances that a recurrence would
17 be prevented. ^{b.}

18
19 FF-102. On 13 December 1937, Japanese forces
20 entered Nanking after all resistance had ceased on the
21 12th. Subsequent to the fall of Nanking the Japanese
22 Army indulged in rape, arson, looting and indiscriminate
23 (FF-100...c. Ex. 970, T. 9501.
24 FF-101. a. Ex. 954-C, T. 9451.
25 b. Ex. 2527, T. 21,367.)

a.
killings.

1 FF-103. Complaints and protests were forwarded
2 by the International Committee for the Safety Zone to
3 the Japanese Embassy concerning the atrocities and
4 violations there. a. HIKADA and OKAMOTO, representatives
5 of the Japanese Embassy in China and Consulate in
6 Shanghai, were informed of the situation and were
7 requested to bring the matter of pillaging of United
8 States property to the attention of the military
9 authorities. b.

10 HIKADA stated that he made an oral report
11 of the conditions in Nanking to Foreign Minister HIROTA
12 in January 1938. c.

13 FF-104. Witness ISHII testified that reports
14 of the atrocities were forwarded by FUKUI to the
15 Foreign Office and HIROTA was very concerned and alarmed
16 about the reports. The army was demanded to take strict
17 measures to stop them immediately, and finally action
18 was taken so that by the end of January 1938, the
19 atrocities were exterminated. HIROTA himself requested
20 SUGIYAMA to take strict measures to halt these

21 (FF-102. a. T. 2533; Ex. 310, T. 4483;
22 Ex. 311, T. 4485; Ex. 312, T. 4488;
23 Ex. 313, T. 4491; Ex. 315, T. 4495;
24 Ex. 316, T. 4495; Ex. 317, T. 4498;
25 Ex. 318, T. 4500; Ex. 320, T. 4407;
Ex. 321, T. 4505; Ex. 322, T. 4506;
Ex. 329, T. 4592.
FF-103. a. Ex. 323, T. 4508.
b. Ex. 328, T. 4552.
c. Ex. 2537, T. 21,453.)

a.
atrocities. Nevertheless, the witness admitted that
1 as late as 2 February 1938, the atrocities were still
2 going on and that reports were still coming in up to
3 that date. b. All reports concerning these atrocities
4 were forwarded to HIROTA in addition to condemning
5 press reports from the foreign press, but even when
6 reports continued to come in, he did not press the ques-
7 tion with the War Minister, nor refer it to the cabinet. c.

8 IX. HIROTA's Participation in the Opium
9 Monopoly.

10 FF-105. As a member of the cabinet from Sep-
11 tember 1933 to February 1937 and again from 4 June 1937
12 to 29 May 1938, HIROTA was, in our submission, respon-
13 sible during and after his tenure of cabinet office for
14 what we submit was the clear Japanese policy of
15 encouraging the growth and use of narcotics in all parts
16 of Japanese-occupied China. The main evidence on this
17 subject can be found in the testimony of three witnesses,
18 a.
19 Gill, Bates and Lawless.

20 FF-106. The evidence shows such encouragement
21 of the growth and use of narcotics in all parts of
22 occupied China and for so long a period as to show that

23 (FF-104. a. Ex. 3287, T. 29,970-2.

24 b. T. 29,978.

c. T. 29,993.

25 FF-105. a. T. 4407-23 et seq.

T. 2648 et seq.

T. 2683 et seq.)

a.
atrocities. Nevertheless, the witness admitted that
1 as late as 2 February 1938, the atrocities were still
2 going on and that reports were still coming in up to
3 that date. b.
4 All reports concerning these atrocities
5 were forwarded to HIROTA in addition to condemning
6 press reports from the foreign press, but even when
7 reports continued to come in, he did not press the ques-
8 tion with the War Minister, nor refer it to the cabinet. c.

IX. HIROTA's Participation in the Opium
9 Monopoly.
10

FF-105. As a member of the cabinet from Sep-
11 tember 1933 to February 1937 and again from 4 June 1937
12 to 29 May 1938, HIROTA was, in our submission, respon-
13 sible during and after his tenure of cabinet office for
14 what we submit was the clear Japanese policy of
15 encouraging the growth and use of narcotics in all parts
16 of Japanese-occupied China. The main evidence on this
17 subject can be found in the testimony of three witnesses,
18 Gill, Bates and Lawless. a.

FF-106. The evidence shows such encouragement
21 of the growth and use of narcotics in all parts of
22 occupied China and for so long a period as to show that

23 (FF-104. a. Ex. 3287, T. 29,970-2.

24 b. T. 29,978.

c. T. 29,993.

25 FF-105. a. T. 4407-23 et seq.

T. 2648 et seq.

T. 2683 et seq.)

1 this was the policy of the Japanese Government. For
 2 example, a publication of the Treaty Bureau of the
 3 Japanese Foreign Ministry, entitled "Business Report
 4 of 1938,"^{a.} refers to a Japanese Cabinet Decision in
 5 April 1933, for the transfer in future of raw opium
 6 produced in Korea to the Government of Manchukuo as a
 7 temporary measure; and it refers to another Japanese
 8 Cabinet Decision on 23 December 1938, concerning the
 9 acreage for poppy growing necessary to produce the
 10 required quantities of opium to be supplied or trans-
 11 ferred to the Governor General of Formosa, Kwantung
 12 Leased Territory and the Government of Manchukuo.

13 FF-107. Confirmation of the spreading of this
 14 narcotization policy can be seen from reports of the
 15 United States Treasury Attaches in various districts in
 16 China, including such reports on the situation during
 17 HIROTA's tenure of office.^{a.}

18 (FF-106. a. Ex. 381, T. 4708.

19 FF-107. a. Ex. 378, T. 4699; Ex. 374, T. 4694;
 20 Ex. 379, T. 4701; Ex. 380, T. 4706; Ex. 381, T. 4708;
 21 Ex. 383, T. 4711; Ex. 384, T. 4732; Ex. 388, T. 4751;
 22 Ex. 390, T. 4779; Ex. 392, T. 4785; Ex. 393, T. 4786;
 23 Ex. 395, T. 4791; Ex. 397, T. 4796; Ex. 403, T. 4814;
 24 Ex. 404, T. 4815; Ex. 405, T. 4820; Ex. 406, T. 4825;
 25 Ex. 408, T. 4828; Ex. 410, T. 4831; Ex. 412, T. 4834;
 Ex. 413, T. 4837; Ex. 414, T. 4845; Ex. 415, T. 4856;
 Ex. 382, T. 4861; Ex. 372, T. 4865; Ex. 418, T. 4867;
 Ex. 419, T. 4868; Ex. 420, T. 4870; Ex. 421, T. 4871;
 Ex. 422, T. 4874; Ex. 423, T. 4876; Ex. 424, T. 4879;
 Ex. 426, T. 4894; Ex. 427, T. 4896; Ex. 432, T. 4922;
 Ex. 433, T. 4928; Ex. 434, T. 4941.)

FF-108. Defence witness NAMBA attempted to explain away the charges of the over-all opium campaign in Manchukuo and the Northern Provinces by insisting that the creation of the Manchurian Opium Monopoly Administration controlled the sale and illicit growth of opium. Nevertheless, he admitted that the registration of addicts was facilitated and organized growth encouraged, and while Japanese Nationals were not allowed to purchase and smoke opium, the same strict measures were not applied to Chinese.^{a.}

X. HIROTA's Actions After He Left Office.

FF-109. ARITA testified that HIROTA was in 1939 and 1940, opposed to a military alliance with Germany.^{a.} But according to HARADA on 12 August 1939,^{b.} KIDO and KONOYE agreed that HIROTA was a suitable candidate for the next Premier on the fall of the HIRANUMA cabinet, which was already expected before the Russo-German Non-Aggression Pact, on the ground that KONOYE had interviewed him and found his opinions very similar to those of the army on this question, i.e. for a full military alliance as opposed to the compromise plan adopted by the HIRANUMA cabinet.^{c.} Shortly before

(FF-108. a. T. 20,308-58.

FF-109. a. T. 30,014-6.

b. T. 38,703.

c. Ex. 3807, T. 37,846.)

1 24 August they still considered him the number one
 2 candidate. But on that day he withdrew his candidature
 3 on a report by HARADA of army opposition, in spite of
 4 or in ignorance of those views.^{c.}

5 FF-110. HIROTA as an Elder Statesman was
 6 instrumental in the choice of new premiers on the fall
 7 of each cabinet. In this capacity he attended a meet-
 8 ing on 21 July 1940 where the selection of the new
 9 Premier was made on the fall of the YONAI Cabinet.
 10 HIROTA advocated a military man, but since there was
 11 no suitable candidate, he considered that KONOYE would
 12 be a good choice as the military themselves were in
 13 favour of him.^{a.}

14 FF-111. He also attended the Elder Statesmen's
 15 meeting called on the fall of the Second KONOYE Cabinet
 16 on 17 July 1941, where he laid stress upon the reinforce-
 17 ment of General Headquarters and again advocated the
 18 formation of a military cabinet, but consented to the
 19 opinion of the rest upon KIDO's explanation of General
 20 Headquarters in the Palace.^{a.} Again on 17 October 1941,
 21 he was present when KIDO suggested TOJO as Premier and
 22 War Minister even though he was on military service and
 23 approved of this appointment.^{b.} It appears from the
 24

25 (FF-109. d. Ex. 3878, T. 38,677.

FF-110. a. Ex. 532, T. 6252.

FF-111. a. Ex. 1117, T. 10,166.

b. Ex. 1154, T. 10,291; Ex. 2250, T. 16,183.)

longer contemporary "resume" reproduced in paragraph 216
of KIDO's affidavit^{c.} that after hearing a full statement
by KONOYE of the matters leading up to his resignation,
HIROTA expressed the following opinions: "As we are
in the midst of the China Incident I think even politics
must be conducted with the intentions of the Imperial
General Headquarters at centre... . I think one of
the plans worth studying is to make the Supreme Command
recommend the candidate for the next Prime Minister."

After KIDO had stated his proposals: "Is it
KIDO's plan to make the Prime Minister (TOJO) con-
currently assume the portfolio (apparently of War Minis-
ter)?" KIDO: "Yes." HIROTA: "Then it will be all right."

FF-112. On 29 November 1941, a meeting of Senior
Statesmen was held and TOJO explained that war was
inevitable. A full report was given by the Premier
regarding the development of the negotiations with Amer-
ica up to date. KONOYE reported that his cabinet had
tried to adjust American-Japanese relations but on the
basis of that morning's explanation by the government,
he was forced to conclude that further negotiations would
be hopeless. HIROTA thought that it would be a mistake
to rush into war immediately after being confronted with
the present crisis and suggested a postponement and
(FF-111. c. Ex. 3440, T. 20,991-31,018.)

1 possible diplomatic solution after its outbreak. The
 2 Army, Navy and Foreign Ministers, President of the Plan-
 3 ning Board, and the Premier met with the Senior States-
 4 men in the evening and explained the situation, and
 5 between these two meetings, TOJO and the former Premiers,
 6 including HIROTA, met with the Emperor who heard each
 7 man's opinions.^{a.}

8 FF-113. On 17 July 1944, at a Senior States-
 9 men's Council convened to discuss the reorganization of
 10 of the TOJO Cabinet, HIROTA said that he would not join
 11 the reorganized TOJO Cabinet if he were asked.^{a.} The
 12 following day he attended another Senior Statesmen's
 13 meeting (TOJO having resigned) where KOISO was selected
 14 as the Premier of the new cabinet and at which he
 15 stated the prosecution of the war was first and fore-
 16 most.^{b.} The Senior Statesmen again met on 5 April 1945
 17 on the fall of the KOISO Cabinet and selected SUZUKI,
 18 Kantaro, as the head of the new cabinet.^{c.}

20 FF-114. References to laws and ordinances
 21 enacted during HIROTA's tenures of office as Foreign
 22 Minister, Premier and President of the Planning Board,
 23 which contributed to Japan's preparation for war and
 24 (FF-112. a. Ex. 1158A, T. 10,513; Ex. 1196, T. 10,452;
 25 Ex. 3340, T. 31,037.
 FF-113. a. Ex. 1277, T. 11,372.
 b. Ex. 1278, T. 11,377.
 c. Ex. 1282, T. 11,390.)

1 general mobilization are to be found in paragraphs F-9,
2 F-19, F-11, F-20, F-22, F-26, F-28, F-32, and F-65 of
3 the summary of Internal and External Preparation for
4 Aggressive War in Asia and in the Pacific.

5 FF-115. To summarize the effect of the above
6 in relation to the several counts of the Indictment,
7 we submit that the whole story establishes HIROTA's
8 membership in each of the conspiracies charged in
9 counts 1-5 and, therefore, is evidence of his respon-
10 sibility for the specific matters alleged in the remain-
11 ing counts which arose out of those conspiracies.

12 But we draw attention to the following parti-
13 cular paragraphs which show direct connection with
14 certain counts.

15 Counts 2 and 27: Paragraphs 30-40 show that
16 HIROTA adopted and participated in the Manchurian
17 aggression from September 1933 onwards.

18 Counts 3, 6, 19, 27, 28, 45, 54 and 55:
19 Paragraphs 41-85 and 102-108 cover these counts,
20 especially with regard to counts 54 and 55, paragraphs
21 102-4.

22 Count 5 is covered in paragraphs 11-16, 67-70,
23 and 109.

24 Counts 4 and 6-17 deal with HIROTA's partici-
25 pation in general preparations for war against countries

1 named and unnamed. We draw special attention to
2 paragraph 96 which shows that the countries particularly
3 contemplated were the United States (counts 7 and 13),
4 the British Commonwealth (counts 8-12), and countries
5 owning territories in the South Seas in addition to
6 the above, i.e., The Netherlands (count 14), France
7 (count 15), Thailand (count 16), also the Soviet Union
8 (count 17); with regard especially to the British Com-
9 monwealth, paragraph 66; the United States and Britain,
10 paragraphs 8-29 and 89-96; the Soviet Union, paragraphs
11 4-17.

12 As to counts for initiating (counts 20-25) and
13 waging (counts 29-35) wars against the above-named
14 countries, we submit that although HIROTA was not in
15 office during the periods in question these events were
16 merely the culmination of the conspiracies which we
17 claim to have proved against him and that he is, there-
18 fore, responsible for the acts of his fellow-conspirators
19 who actually did initiate and wage those wars. We
20 also rely upon paragraphs 110-113 as showing such
21 degree of personal participation in those acts as his
22 position as an ex-premier enabled him to exercise. We
23 further submit that the meetings therein described gave
24 him ample opportunity of dissociating himself from the
25 conspiracy if he had so minded, but that he did not

1 take those or make any other opportunities of doing
2 so. The same remarks apply to counts 37-42, 46, 47
3 and 52.

4 With regard to the allegations based upon the
5 absence of a declaration of war, we would point out
6 that, although there is no evidence that HIROTA knew
7 of the intention to initiate an attack upon any parti-
8 cular country in that manner, the fact that the war
9 or wars against China had been so initiated shows that
10 such a procedure was within the scope of the conspiracy
11 to which we submit he was a party.
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 May it please the Tribunal, I now have the
2 pleasure of presenting to the Tribunal my colleague,
3 Mrs. Lambert, a practicing attorney of the State of
4 Washington, who has not yet appeared before the
5 Tribunal. She will read the summation in the case of
6 HOSHINO.

7 THE PRESIDENT: Mrs. Lambert.

8 MRS. LAMBERT: May it please the Tribunal,
9 HOSHINO has been charged under Counts one through
10 seventeen; nineteen through twenty-five; twenty-seven
11 through thirty-five; thirty-seven through forty-four;
12 fifty-two through fifty-five.

13 A. Period from July 1932 to July 1940,
14 Manchuria Period.

15 GG-1. HOSHINO was director of the General
16 Affairs Bureau of the Manchukuo Ministry of Finance^{a.}
17 from July 1932 until July 1936, when he was appointed
18 Finance Vice Minister.^{b.} In December of 1936 he was
19 appointed Chief of the General Affairs Board.^{c.} He
20 continued to hold both these appointments until he
21 returned to Japan in July 1940, when he was appointed
22 Minister without Portfolio in the second KONOYE Cabinet
23 and President of the Planning Board.^{d.}

24
25 GG-1. a. T. 5119-20; c. T. 5135.
 b. Ex. 109, T. 5134-5. d. T. 5136.

1 GG-2. As Director of the General Affairs
2 Bureau of the Finance Ministry he had constant liaison
3 with the Kwantung Army. ^{a.} This liaison was estab-
4 lished to deal with the many matters that arose as a
5 result of the Japanese-Manchurian Treaty. ^{b.} These
6 matters included the flotation of Manchukuo public
7 bonds in Japan, the support of the Kwantung Army
8 being deemed necessary to ensure the success of the
9 flotation. ^{c.}

10 GG-3. Originally, the Kwantung Army ad-
11 ministration was separate from that of the Railroad
12 Zone although the Commander of the Kwantung Army was
13 also the Governor of the Kwantung Leased Territory.
14 The Consulates were also separate. ^{a.} In 1932, .
15 however, after HOSHINO arrived in Manchuria a change
16 was made. The Kwantung Army Commander became the
17 Japanese Ambassador to Manchukuo and the Ambassador
18 controlled the Consulates, the Manchurian Railway
19 and the Kwantung Leased Territory. ^{b.} In 1934 another
20 reorganization took place. There was established in
21 Tokyo the Manchurian Affairs Bureau (of which the
22 War Minister was President) which was under Cabinet
23 supervision. The Prime Minister supervised the
24

25 GG-2. a. T. 5120; b. T. 5121; c. T. 5124.
GG-3. a. T. 5139; b. T. 5139.

1 activities of the Ambassador while, in addition, the
2 Foreign Minister supervised the purely diplomatic
3 part of the Ambassador's functions. The effect of
4 the reorganization was that the Commander of the
5 Kwantung Army had control of the whole of the Japanese
6 jurisdiction in Manchuria, including diplomatic
7 matters, the Kwantung Bureau, the leased territory
8 and the South Manchurian Railway Company.^{c.}

9 GG-4. This unification of control and the
10 vesting in the Kwantung Army Commander of such com-
11 prehensive functions and powers undoubtedly made it
12 easier for Japan to carry out the exploitation of
13 Manchuria for her own purposes. While the Cabinet,
14 the Prime Minister and the Foreign Minister had on
15 paper some measure of control over the Commander's
16 actions, the fact that the War Minister was President
17 of the Manchurian Affairs Board enabled the army to
18 dominate the whole situation. The defendant MINAMI
19 was the first to hold the dual position of Commander
20 of the Kwantung Army and Ambassador.

21 As to the army's domination, HOSHINO stated,
22 "Of course there is a very close connection between
23 the Kwantung Army and the Manchurian Government and
24 GG-3. c. T. 5140, Ex. 4524, T. 5114.
25

1 usually it represented pretty much the opinion of
2 the army." ^{a.} HOSHINO admitted that when he was Chief
3 of the General Affairs Board he kept a very close con-
4 nection with the Kwantung Army. He met the Commander
5 often, perhaps once or twice a month, and he met the
6 other officials more often. ^{b.}

7 GG-5. It is submitted that HOSHINO's
8 activities from July 1932 until 1936 serve to show
9 his participation in and responsibility for the con-
10 spiracies, and apart from any other consideration,
11 in the light of all the evidence his association
12 during this period with the Kwantung Army is highly
13 significant, and it is suggested that this association
14 by itself is sufficient to implicate him.

15 I. HOSHINO as Chief of the General Affairs
16 Board (Dec. 1936-July 1940.)

17 GG-6. There can be no doubt that the Chief
18 of the General Affairs Board exercised a powerful,
19 if not a completely dominant, influence in the Man-
20 chukuoan administration. Pu-Yi stated that this
21 official had more power than even the Prime Minister ^{a.}
22 and that, although he acted under the orders of the
23 Kwantung Army, he held a position which had most of
24

25 GG-4. a. T. 5166. b. T. 5159.
GG-6. a. T. 3993.

1 the powers in running the affairs of the state. ^{b.} The
 2 defense witness MATSUKI who held several important
 3 positions in the Manchukuo administration, including
 4 those of Chief of the Secretariat of the General
 5 Affairs Board, and later Deputy Chief of the Board, ^{c.}
 6 described the functions of the Board which he claimed
 7 was under the immediate control of the Prime Minister. ^{d.}
 8 He also claimed that the Chief of the Board was not
 9 subject to the direction of the Kwantung Army. No
 10 doubt, technically the Chief of the Board was
 11 subordinate to the Prime Minister but, in the sub-
 12 mission of the prosecution, the evidence as a whole
 13 makes it perfectly clear that in fact the Manchukuo
 14 Government, including the Prime Minister, was com-
 15 pletely dominated by Japan, and in the administration
 16 of the government, the Japanese officials and, per-
 17 ticularly the Chief of the General Affairs Board, held
 18 the power. TAKABE testified that HOSHINO acted with
 19 the Kwantung Army authorities in preparation for a war
 20 against the Soviet Union. ^{e.}

22 GG-7. HOSHINO himself admitted that the
 23 Board was one of the most important divisions of the
 24 Government, ^{a.} and it is of special significance that,

25 GG-6. ^{b.} to 4020. ^{c.} Ex. 2439, T. 20157-8.
^{c.} T. 20162. ^{e.} Ex. 3371, T. 31840.
 GG-7. T. 5135.

1 as admitted by the defense witness MATSUKI,^{b.} the
2 Chief of the Board was from the outset a Japanese
3 subject. The real position with respect to the power
4 and influence of the Chief of the General Affairs
5 Board can be best appreciated by a consideration of
6 the evidence relating to the Japanese domination of
7 Manchuria, including the following:

8 A. Evidence showing first steps in domina-
9 tion. GG-8.

10 1. The action taken by Japan almost imme-
11 diately after the Manchurian Incident to secure
12 control of the Manchurian telegraph and telephone
13 communications. See Ex. 57 (Lytton Report) at p. 97
14 and Exs. 231 and 242.^{c.} The drastic and comprehen-
15 sive nature of the control obtained by Japan is
16 very significant as is also the stipulation on page 3
17 of Ex. 231 that the control provisions (including the
18 provision that in case of dispute between the super-
19 vising authorities the decision should be made by the
20 Japanese authorities) should be contained not in the
21 Treaty but in "secret official exchange documents."

22 2. The Japanese Cabinet decision of August
23 8, 1933, laying down the policy with regard to

24 GG-7. b. T. 20162.
25 GG-8. a. T. 2919-25.

1 b. Manchuria. This provided that "positive guidance
2 is operated in matters relating to Manchuria's funda-
3 mental institutions, national defense, public order,
4 foreign policy and basic matters important in carry-
5 ing out Japanese-Manchurian economies and its im-
6 portant internal affairs concerning the establish-
7 ment of the foundation of the empire." It also
8 provided (after reserving "positive guidance" over
9 practically every activity necessary to hold 'the
10 control of Manchuria) that "other matters are en-
11 trusted to the liberal activities of the authorities
12 of Manchuria." Of special significance are the
13 provisions that directives towards Manchuria shall be
14 executed substantially by Japanese officials under
15 the jurisdiction of the Commander of the Kwantung
16 Army and the Ambassador of Japan and that in the
17 meanwhile no political parties or organizations would
18 be allowed.

19
20 4. Further decisions of the Japanese Cabinet
21 with regard to Manchurian affairs ^{d.} throw additional
22 light on nature and extent of the Japanese influence.

23 5. The South Manchurian Railway Company
24 took over the management of all Chinese railroads

25 GG-8. b. Ex. 233, T. 2926-8.

 d. Ex. 236, T. 2939.

1 after the Manchurian Incident^{e.} and the influence of
2 the Commander of the Kwantung Army and the Japanese
3 Government in respect to the company has been shown. f.

4 6. Ex. 443A^{a.} shows that the Manchukuo
5 Government bought from Russia the China Eastern Rail-
6 way and Japan in March 1935 guaranteed performance by
7 that government of its obligations under the terms of
8 purchase and thereby strengthened her grip over
9 Manchuria.

10 GG-9. B. Domination through Joint Economic
11 Committee.

12 1. Ex. 850^{a.} contains a report of the dis-
13 cussions at a Privy Council meeting in connection with
14 the proposed agreement with Manchukuo for the setting
15 up of a Joint Economic Committee and also the agreement
16 itself. The contents of this document are of outstand-
17 ing importance, not only because the effect of the
18 agreement was to bind completely the economies of the
19 two countries, but also because the agreement and the
20 Privy Council discussions show that care had been taken
21 to ensure that Japan should always be able to control
22 the Committee. As the Committee comprised four

23 GG-8. e. Ex. 441A, T. 5036. g. Ex. 443A, T. 5042.

24 f. Ex. 439, T. 5021.

25 GG-9. a. Ex. 850, T. 8418.

1 representatives from each country, the constitution
 2 on its face was fair and reasonable but as the defendant
 3 HIROTA stated "the set up of the Committee may appar-
 4 ently seem equal on the part of both countries but in
 5 reality it is not."^{b.} This inequality in favor of
 6 Japan was effected by providing that one of the four
 7 Manchukuo representatives should be the Chief of the
 8 General Affairs Board who, stated HIROTA, "is and will
 9 be a Japanese forever, I am confident."^{c.}

10 2. As Chief of the General Affairs Board
 11 from December 1936, HOSHINO was a member of the
 12 Committee presumably representing Manchukuo, but as
 13 HIROTA explained to the Privy Council it was HOSHINO's
 14 "primary duty to see that there will not be any oppo-
 15 sition between Japan and Manchukuo."^{d.} HIROTA proceeds
 16 "In case the Manchukuo members of the Committee should
 17 purposely scheme to act against Japan's interests . . .
 18 the Chief of the General State Affairs (i. e. the
 19 General Affairs Board) will take proper measures
 20 after giving due consideration to the interests of
 21 both countries. It will be his duty to lead Manchukuo
 22 in such a way that such fear (i. e. of Japan being at
 23 any disadvantage) would be unnecessary."^{e.}

24 GG-9. b. Ex. 850, p. 7. d. Ex. 850, p. 7.
 25 c. Ex. 850, p. 6. e. Ex. 850, p. 7.

1 It will be observed, therefore, that in actual fact
2 the control of the Committee and its very important
3 activities was in the hands of Japan, and HOSHINO
4 must, of course, have been fully aware of the powers
5 he had under the agreement, the reasons therefor and
6 the sham character of the apparently equal representa-
7 tion.

8 3. HOSHINO was questioned about this Committee
9 and he explained that any difference of opinion
10 between Japan and Manchukuo with regard to the use of
11 Manchurian resources was settled by the Committee.^{f.}
12 He went on to say that each country had four repre-
13 sentatives,^{g.} but he did not explain that the apparently
14 equal voting power was in reality unequal and that
15 Japan had effective control. He also explained that
16 the "final agreement" among the committee members was
17 generally unanimous, but it would appear that unanimity
18 was obtained after "many discussions," and it may be
19 inferred that the Manchukuo members fully realized
20 that there was no object in their continuing to oppose
21 the Japanese indefinitely.

22
23 GG-10. Treaty and policy showing Japanese
24 dominations.

25 GG-9. f. T. 5177.
g. T. 5178.

1 1. On June 10, 1938 a treaty was made
2 between Japan and Manchukuo whereby the Japanese
3 in Manchuria were given equal rights with those held
4 by the Manchurians.^{a.}

5 2. The real object of Japanese policy
6 with regard to Manchuria (as well as other countries)
7 is shown by Ex. 979.^{b.} This document contains the
8 decisions on National Policy made on August 11, 1936,
9 by the Prime Minister and the War, Navy, Finance and
10 Foreign ministers. An examination of this policy
11 leaves no doubt of the aggressive and expansionist
12 nature of the Japanese plans and of the realization
13 that to achieve their ends they were prepared to wage
14 war.
15
16
17
18
19
20
21
22
23
24
25

GG-10. a. Ex. 237, T. 2944.

b. Ex. 979, T. 9549; Ex. 217, T. 2728; T. 22077.

W
C
l
f
&
L
e
f
f
e
r

GG-11. Manchukuo Five-Year Industrial Plan

1. HOSHINO admitted that he had a great deal to do with the preparation of the financial parts of the Plan^{a.} and that in connection with the development of the Plan he worked with the defendant ITAGAKI. He also stated that the Commander of the Kwantung Army made the final decisions as to what should be included in the Plan.^{b.} The contents of the Plan and of the Revisions of the Plan are contained in exhibits 445 and 446.^{c.}

Significantly, exhibit 446 is headed "Headquarters of the Kwantung Army." Stated briefly the Plans and the Revisions show very clearly that Japan's real object was to exploit the resources of Manchuria for the benefit of Japan. They also show how completely Japan dominated and controlled Manchuria and they emphasize the importance of Manchuria and its resources to what is called Japan's "National Defense." It cannot be doubted, it is suggested, that the Plan was conceived, formulated and put into effect by Japan (and the Kwantung Army) as a necessary part of her aggressive and expansionist intentions.

2. HOSHINO stated that the Japanese policy was to develop Manchuria first as a source for raw materials

(GG-11. a. T. 5126.

b. T. 5128.

c. Ex. 446, T. 5069; Ex. 445, T. 5052.)

for Japanese industries and secondly as a place to which
 the expanding Japanese population could emigrate^{d.} and
 that the Japanese Army policy was the same.^{e.} It is
 submitted that this explanation while undoubtedly true
 so far as it goes is plainly incomplete. All the
 evidence (and particularly the evidence with regard to
 the Five-Year Plan) shows that the Japanese policy was
 much more than an economic one and that it aimed at the
 domination of the whole of East Asia.

3. It should be noted that the defense witness^{f.}
 KATAKURA stated that the Five-Year Plan was extended
 at Japan's request after the outbreak of the China
 Incident, but as the Plan was directed towards assisting
 the prosecution of the Incident rather than the develop-
 ment of Manchuria, the benefit did not accrue to that
 country. It is also submitted that the Five-Year Plan
 is directly related to the decisions as to National
 Policy made on August 11, 1936, and to the Japanese
 plans for industrial expansion for war purposes contained
 in exhibit 841 and 842.^{g.}

GG-12. Extent of Domination - Evidence of:

1. Evidence as to the progress of economic

(GG-11. d. T. 5160.

e. T. 5165.

f. T. 19041.

g. Ex. 979, T. 9549; Ex. 841, T. 8261;
 Ex. 842, T. 8264.)

1 construction in Manchukuo and as to the progress in
 2 planning for the comprehensive expansion of productive
 3 power throughout Japan, Manchukuo and North China is
 4 contained in exhibits 449^{a.} and 450.^{b.} The latter docu-
 5 ment contains a striking reference to the development of
 6 Manchukuo as "an integral part and an essential factor
 7 in the establishment of the co-prosperity sphere of
 8 Greater East Asia." The value of this evidence is that
 9 it shows the extent of Japan's domination of Manchukuo
 10 and also the object to further Japan's expansion plans.

11 GG-13. Domination of Manchukuo Administration
 12 by Japanese Officials.

13 1. It was the intention of the Japanese from
 14 the outset that in the administration of the new state
 15 of Manchukuo Japanese officials should have the effective
 16 control. It was proposed that on the recommendation of
 17 the Kwantung Army Japanese nationals should be appointed
 18 as councillors and also as officers of the central and
 19 local government, and the dismissal of these persons
 20 should require the approval of the Army.^{a.} According
 21 to the defense witness UEDA,^{b.} provision for the employ-
 22 ment of Japanese nationals was included in an appendix
 23 to the Japan-Manchukuo Treaty.^{c.}

24 (GG-12. a. Ex. 449, T. 5104.

25 b. Ex. 450, T. 5105.

GG-13. a. Ex. 280, T. 4257.

b. T. 20115.

c. Ex. 440, T. 5033, 4259.)

1 2. Pu Yi gave evidence that when the defendant
2 ITAGAKI asked him to become head of the new state he
3 stipulated that Japanese officials should be employed^{d.}
4 and that this policy was at once adopted is shown by the
5 Lytton Report,^{e.} which at pp. 99, 100 and 106 deals with
6 this subject. The Report states that Japanese
7 nationals were attached to all the important departments
8 and that there were nearly 200 Japanese officials in the
9 Central Government alone, without taking into account
10 those in local governments or the War Office and Military
11 Force or in government enterprises. As the Report is
12 dated September, 1932, it is plain that no time had been
13 lost in carrying out the policy.

14 3. The defense witnesses UEDA, MATSUKI and
15 MUTO, Tomio, referred in their evidence to this subject,^{f.}
16 the former claiming that the Manchukuo Government was
17 solely responsible for the appointment of Japanese
18 officials. It is significant that none of these wit-
19 nesses challenges in any way the statements in the
20 Lytton Report and no serious attempt is made by them or
21 by any other witness to challenge the prosecution's con-
22 tention that these officials dominated the administration.
23 MATSUKI stated that a Japanese national was made a Vice
24 (GG-13. d. T. 3962, 3975.
25 e. Ex. 57, T. 513.
f. T. 20115, 20170, 20398.)

1 2. Pu Yi gave evidence that when the defendant
2 ITAGAKI asked him to become head of the new state he
3 stipulated that Japanese officials should be employed^{d.}
4 and that this policy was at once adopted is shown by the
5 Lytton Report,^{e.} which at pp. 99, 100 and 106 deals with
6 this subject. The Report states that Japanese
7 nationals were attached to all the important departments
8 and that there were nearly 200 Japanese officials in the
9 Central Government alone, without taking into account
10 those in local governments or the War Office and Military
11 Force or in government enterprises. As the Report is
12 dated September, 1932, it is plain that no time had been
13 lost in carrying out the policy.

14 3. The defense witnesses UEDA, MATSUKI and
15 MUTO, Tomio, referred in their evidence to this subject,^{f.}
16 the former claiming that the Manchukuo Government was
17 solely responsible for the appointment of Japanese
18 officials. It is significant that none of these wit-
19 nesses challenges in any way the statements in the
20 Lytton Report and no serious attempt is made by them or
21 by any other witness to challenge the prosecution's con-
22 tention that these officials dominated the administration.
23 MATSUKI stated that a Japanese national was made a Vice
24 (GG-13. d. T. 3962, 3975.
25 e. Ex. 57, T. 513.
f. T. 20115, 20170, 20398.)

Minister in June, 1932, and later all Vice-Ministers
g.
1 were Japanese.

2 4. Pu Yi gave evidence that the Japanese "ran
h.
3 the show" and that the real administration was carried
4 out at weekly meetings presided over by the (Japanese)
5 Chief of the General Affairs Board and attended by the
6 various (Japanese) Vice-Ministers and the Chief of the
7 Fourth Section of the Kwantung Army.^{1.} It is submitted
8 that the evidence establishes that in order to bring
9 about or assist in bringing about the domination of
10 Manchukuo by Japan, the practical control of the ad-
11 ministration was secured by having placed in important
12 positions a large number of Japanese officials. This
13 policy was carried out continuously after the Manchurian
14 Incident and continued until the end of the war.
15

16 5. It is also submitted that HOSHINO is
17 responsible in a large measure for the carrying out of
18 this policy. From July, 1932, until July, 1940, he held
19 important appointments in the administration, particular-
20 ly from December, 1936, onwards, when he was Chief of
21 the General Affairs Bureau. The witness NAMBA stated
22 that HOSHINO requested that a suitable Japanese official
23 be sent to Manchuria for the Opium Monopoly and he,
24

25 (GG-13. g. T. 20163.
h. T. 3992.
i. T. 3993.)

1 NAMBA, was chosen. In his evidence he stated that before
 2 taking up his appointment he discussed the whole matter
 3 with HOSHINO in Tokyo.^{j.} It seems fair to assume that
 4 HOSHINO took a leading part in obtaining other Japanese
 5 officials.

6 GG-14. Evidence of Pu Yi as to Japanese Dom-
 7 ination.

8 1. This evidence shows that Pu Yi was a mere
 9 puppet and that the so-called independent government of
 10 Manchukuo was completely dominated by Japan and partic-
 11 ularly by the Kwantung Army. This evidence is important
 12 in proving the guilt of HOSHINO. Not only does his
 13 evidence establish the fact of Japanese domination but
 14 it also establishes that HOSHINO played a leading part
 15 in bringing about this domination. It shows the power
 16 and influence exerted by the Chief of the General Affairs
 17 Board,^{a.} and that he acted under the orders of the
 18 Kwantung Army.^{b.} The Chinese were not able to oppose
 19 what the Japanese did.^{c.} It shows that all Manchurian
 20 industries and economic affairs were under Japanese
 21 control; the Chinese were not allowed to take part;
 22 and that HOSHINO was directly concerned with this.^{d.}

23 (GG-13. j. Ex. 2463, T. 20356; T. 20337.)

24 GG-14. a. T. 3993.
 25 b. T. 4020.
 c. T. 3994-6.
 d. T. 4021-2.)

The Bureau of Monopolies was under Japanese control^{e.} and had extensive powers which were used to the prejudice^{f.} of the Manchurians. The Manchurians were exploited for the benefit of the Japanese with respect to compulsory savings,^{g.} the ownership of land,^{h.} and labor^{i.} service. For all these matters HOSHINO was directly responsible and it is submitted that this evidence shows very clearly the important part played by him in furthering the conspiracy.

GG-15. Manchurian Industrial Development Corporation as a Factor in the Domination of Manchuria.

1. HOSHINO stated that in 1937 a plan was formulated with the object of combining and developing Manchukuo heavy industries. These were formerly under the South Manchurian Railway Company and MATSUOKA was at first doubtful about the expediency of the Plan although eventually he agreed. The Kwantung Army agreed also.^{a.} The General Affairs Board (of which HOSHINO was Chief) assisted in the preparation of the special laws required^{b.} in connection with the formation of the Corporation. In the submission of the prosecution, in view of the important, indeed, the all-important leading part taken

(GG-14. e. T. 4024-5.
f. T. 4028-31
g. T. 4032.
h. T. 4033-6.
i. T. 4036-7.
GG-15. a. T. 5128-9.
b. T. 5130.)

by HOSHINO in bringing about the Japanese domination of Manchukuo, his participation in the conspiracies is beyond doubt. He held for a long period positions in the administration which gave him very important powers and enabled him to exercise a very strong influence in the affairs of the State and indeed to control them. He was throughout in close liaison with the real power in Manchuria, the Commander and Chief of Staff and other officers of the Kwantung Army. The evidence of Japanese domination referred to above is only a part of the evidence on this subject which has been presented, and the effect of all that evidence is to prove a deliberate policy on the part of Japan to exploit Manchuria for its own purposes, a policy which HOSHINO did all in his power to carry out.

3. TOJO testified that HOSHINO was among the five most important Japanese figures in Manchuria.^{c.}

II. HOSHINO's Connection with the Opium Traffic.

GG-16. The affidavit of the defense witness^{a.} NAMBA shows that HOSHINO in September or October, 1932, when he was in charge of the General Affairs Bureau of the Finance Ministry, took a leading part in arranging for NAMBA to go to Manchuria for employment in the Opium (GG-15. c. T. 36576.
GG-16. a. Ex. 2463, T. 20356.)

Monopoly Bureau. It is significant that, as is shown by paragraph 3 of exhibit 2463, the revenue aspect was evidently considered by HOSHINO as more important than the suppression of the traffic.

GG-17. HOSHINO negotiated a large loan from Japan, the security for which included the profits of the opium monopoly office.^{a.} HOSHINO stated that he discussed the matter with MUTO, Nobuyoshi, the then Commander of the Kwantung Army, with the object, according to him, of obtaining "the support" of the Army.^{b.} As is shown by exhibit 227,^{c.} the Chief of Staff of that Army had taken the initiative in June, 1932, in a telegram to the War Minister to have the revenue from the Opium Monopoly increased, and the raising of the loan was the result.

GG-18. The profits from opium were approximately as follows: 1933, ¥300,000; 1934, ¥1,200,000; and 1935, ¥10,000,000. Thereafter the profits increased in the same ratio, being ¥20,000,000 in one year and in the next ¥30,000,000.^{a.}

GG-19. It is suggested that the Court should accept NAMBA's original figures as correct. His evasiveness on cross-examination and the inconsistencies

(GG-17. a. Ex. 375, T. 4685.

b. T. 5124.

c. T. 4681-2.

GG-18. a. Ex. 2463, p. 4; T. 20330-1, 20349-50, 20356.)

1 between his testimony on cross-examination and his
2 affidavit show the evidence is submitted in an attempt
3 to deceive the Tribunal, whereas there is no reason for
4 doubting the accuracy and truthfulness of his original
5 affidavit.^{a.} In view of his position in the Manchukuo
6 Finance Ministry and later as Chief of the General
7 Affairs Board, HOSHINO was very much concerned with the
8 Manchukuo Budget and revenues.

9 III. HOSHINO's Speech to the Economic Confer-
10 ence, December 3rd, 1938.

11 GG-20. The report of HOSHINO's speech to the
12 Economic Conference was introduced into evidence during
13 the cross-examination of the defense witness OBATA.^{a.}
14 This witness declared that the China Incident was a
15 disappointment to HOSHINO and he wanted it terminated as
16 soon as possible. HOSHINO's speech shows beyond the
17 possibility of any doubt that he regarded the Incident
18 as "holy" and that it had his full approval. He ex-
19 pressed his approval of the Manchurian Incident which he
20 described as the awakening of East Asia, and he stated
21 that the recent China Incident was a development and ex-
22 pansion of the Manchurian Incident. He approved of the
23 establishment of the new governments in North and Central
24 China and on the Mongolian Border and advocated the
25

(GG-19. a. Ex. 2463, T. 20356.
GG-20. a. Ex. 3215-A, T. 29159.)

1 construction of a new East Asia.

2 GG-21. The whole speech and particularly the
3 portion which appears at pp. 29155-7 of the transcript
4 is a strong indictment of HOSHINO and serves to impli-
5 cate him in a positive and direct way in the conspiracies.
6 It is not surprising that in April, 1940, he was decor-
7 ated for Meritorious Service in the China Affair.^{a.}

8 B. HOSHINO's Appointment to the Second KONOYE
9 Cabinet, and as President of the Planning Board.

10 GG-22. HOSHINO's official connection with the
11 Manchukuo Government ceased on July 21, 1940, when he
12 was appointed to the Second KONOYE Cabinet. It may be
13 reasonably assumed that he had some knowledge of the
14 troubles that threatened the YONAI Cabinet and eventually
15 destroyed it. It seems unlikely that the invitation to
16 join the new Cabinet was not preceded by any negotiation
17 or discussions.

18 GG-23. HOSHINO had never previously held a
19 Cabinet appointment, nor any appointment in Japan of a
20 political or quasi-political nature. TOJO, MATSUOKA,
21 and OHASHI (Vice Foreign Minister) who were appointed at
22 the same time were also without previous Cabinet ex-
23 perience. It is surely significant that these four men
24 all of whom had been prominent in Manchuria and were
25 (GG-21. a. Ex. 109, T. 710.)

1 associated more or less closely with the Kwantung Army
2 entered the Japanese Cabinet at the same time and it is
3 submitted that their appointments constituted a victory
4 for the Kwantung Army. It will be recalled that on
5 August 2nd, 1940, Ott in a telegram to the German Foreign
6 Minister referred to OHASHI's appointment as signifying
7 the further strengthening of the influence of the Man-
8 churian Group in the new Government.^{a.}

9
10 GG-24. It seems reasonable to contend that the
11 Army and particularly the Kwantung Army were responsible
12 for HOSHINO's appointment to the Cabinet and the
13 Presidency of the Planning Board. How else can his
14 appointment be explained? He had been away from Japan
15 for eight years. He had never previously held office of
16 this kind. The Army had brought about the fall of the
17 YONAI Cabinet. The Manchurian Group evidently had con-
18 siderable influence as is shown by the appointments of
19 TOJO, MATSUOKA, OHASHI, and HOSHINO. It is most unlikely
20 that HOSHINO would have been selected unless it was known
21 that he favored the militaristic expansion policy. He
22 had shown by his speech in December, 1938, that he was an
23 ardent supporter of this policy; and his work in Man-
24 churia undoubtedly demonstrated his loyalty to it.
25

(GG-23. a. Ex. 538, T. 6265.)

1 GG-25. HOSHINO has not explained how he
2 came to be appointed nor has any evidence on the
3 matter been given by any other witness. In all the
4 circumstances it would appear to be a fair and
5 reasonable inference that his selection was due to
6 its being known that he was a supporter of the
7 aggressive expansion policy (in other words a member
8 of the conspiracies), and that his appointment was
9 a step in the conspiracies and further, that HOSHINO
10 in accepting appointment did so with the intention
11 of assisting the execution of the policy.

12 C. Period from July 22nd 1940 to April 4th
13 1941.

14 GG-26. During the period from July 22, 1940
15 to April 4, 1941, HOSHINO was President of the Planning
16 Board and a member of the Cabinet without portfolio.

17 1. Evidence re Planning Board Activities.

18 GG-27. HOSHINO in his interrogations
19 gave the following information about the Planning
20 Board. He stated that the Planning Board was formed
21 "to collaborate the various departments and to make
22 future plans for the coming year".^{a.} The Board was
23 concerned with the general arrangements of the various
24 departments and the formation of production plans

25 GG-27. a. T. 5137

1 and material distribution plans and such other
2 matters as transportation. ^{b.} The material distribution
3 plans were over-all plans and did not go into detail.
4 Demands and estimates of material were submitted
5 by the various departments and the Board made its
6 plans according to the amount of materials available.
7 The demands of the Army and Navy constantly increased
8 but as the details of their plans were kept secret
9 the Board did not know the purpose for which the
10 materials were required. ^{c.} Oil supplies were a serious
11 problem but the Army and Navy appeared to think that
12 they had sufficient supplies to last them until
13 "they would get their hands on the oil in the south". ^{d.}
14 HOSHINO himself considered that in the early stages
15 of the war Japan would be able to occupy a great
16 deal of the Far East and with the materials such as
17 oil which would then be acquired they would be able
18 to carry on the war for a long time. Although the
19 plans were made for "Japan proper" they necessarily
20 affected Manchukuo as to raw materials, imports and
21 exports, and finance. ^{e.} The plans for Japan and
22 Manchukuo were coordinated with the assistance, if
23

24 GG-27. b. T. 5148
25 " c. T. 5148-50
" d. T. 5169-70
" e. T. 5137-9

1 and material distribution plans and such other
 2 matters as transportation. ^{b.} The material distribution
 3 plans were over-all plans and did not go into detail.
 4 Demands and estimates of material were submitted
 5 by the various departments and the Board made its
 6 plans according to the amount of materials available.
 7 The demands of the Army and Navy constantly increased
 8 but as the details of their plans were kept secret
 9 the Board did not know the purpose for which the
 10 materials were required. ^{c.} Oil supplies were a serious
 11 problem but the Army and Navy appeared to think that
 12 they had sufficient supplies to last them until
 13 "they would get their hands on the oil in the south". ^{d.}
 14 HOSHINO himself considered that in the early stages
 15 of the war Japan would be able to occupy a great
 16 deal of the Far East and with the materials such as
 17 oil which would then be acquired they would be able
 18 to carry on the war for a long time. Although the
 19 plans were made for "Japan proper" they necessarily
 20 affected Manchukuo as to raw materials, imports and
 21 exports, and finance. ^{e.} The plans for Japan and
 22 Manchukuo were coordinated with the assistance, if
 23

24 GG-27. b. T. 5148
 25 " c. T. 5148-50
 " d. T. 5169-70
 " e. T. 5137-9

1 necessary, of the Joint Japan-Manchukuo Economic
 2 Committee.^{f.}

3 GG-28. The Board comprised about 100
 4 persons and made economic plans for Japan.^{a.} There
 5 was a plan made in November 1940, for business,
 6 manufacturing and industry which provided for the
 7 organizing into a solid group of industries of the
 8 same kind and for government control through the
 9 group.^{b.}

10 II. Important Cabinet Decisions.

11 GG-29. Several important decisions made
 12 by the Cabinet and the Planning Board during the
 13 period HOSHINO was a member of both. Some of these
 14 decisions were:
 15

16 1. There was the Cabinet Decision of July
 17 26, 1940 "Outline of Japan's Pacific National Policy".^{a.}

18 2. There was the Liaison Conference Decision
 19 of July 27, 1940.^{b.}

20 3. Efforts were made to strengthen relations
 21 with Germany and Italy culminating in the Tri-partite
 22 Pact of September 27, 1940.

23 GG-27. f. T. 5167-8, T. 5177-8

24 GG-28. a. T. 5131

" b. T. 5131; T. 15,963-5

25 GG-29. a. Ex. 540, T. 6271

" b. Ex. 1310; T. 11,794

1 4. On August 1, 1940, MATSUOKA instituted
2 negotiations with France which resulted in Japan
3 obtaining important rights in French Indo-China.^{c.}

4 5. During August 1940, drafts were prepared
5 of demands to be made on Netherlands East Indies
6 and a mission was sent.^{d.}

7 6. In the autumn of 1940 the Planning
8 Board made economic plans for organizing industries
9 which involved a high degree of Government control
10 in Japan and also for Manchuria, China and East
11 Asia.^{e.}

12 7. Early in November 1940, following the
13 announcement of National Policy on August 1, there
14 was published the "Outline of Plan for Block Economy
15 of Japan, Manchukuo, China".^{f.} This plan will be
16 referred to later.

17 8. On September 30 the Total War Research
18 Institute was established.

19 9. Early in 1941 the decision was made
20 to resume negotiations with the United States; NOMURA
21 was appointed Ambassador in January.^{g.}

22 GG-29. c. Ex. 620, page 4B, T. 6886

23 " d. Ex. 1311, T. 11,798

24 " e. T. 5131-3; T. 5137-8

25 " f. Ex. 541; T. 6271 Ex. 2224, T. 15,951-61

g. Ex. 1008, T. 9643; Ex. 1009, T. 9648;
Ex. 1043, T. 9798; Ex. 1045, T. 9804
Ex. 1056, T. 9843; Ex. 1057, T. 9847.

1 The above matters are important in considering the
2 question of HOSHINO's participation in the conspiracy.

3 III. Plan for Block Economy of Japan-
4 Manchukuo-China.

5 GG-30. On November 8, 1940, the Yomiuri
6 Newspaper published a statement issued by the Cabinet
7 Intelligence Bureau giving particulars of the Plan for
8 Block Economy of Japan-Manchukuo-China which had been
9 made public on November 5th.^{a.} The newspaper stated
10 that the Plan followed the Cabinet decision announced
11 on August 1, 1940, as to the fundamental national
12 policy^{b.} and explained that the Government since
13 that decision had been studying, principally with the
14 Planning Board, how to embody "the establishment of
15 a Cooperative Economic Sphere" unifying Japan,
16 Manchukuo and China and embracing the Greater East
17 Asia. This plan was the result. This shows the
18 newspaper's idea of the influence of the Planning
19 Board and particularly the influence of HOSHINO in
20 formulating the Plan, since a photograph of HOSHINO
21 was published with the particulars of the Plan.
22

23 GG-31. The Cabinet Intelligence Bureau's
24 announcement commences as follows: "Our fundamental

25 GG-30. a. Ex. 2224, T. 15,951-61
" b. Ex. 540, T. 6271

1 policy to establish the Co-Prosperity Sphere of
2 Greater East Asia which aims to form a New Order
3 in the World has now entered a new stage by the
4 conclusion of the Tri-partite Pact between Japan,
5 Germany, and Italy." It is thought to be unnecessary
6 to refer here to the details of the plan, and it is
7 probably sufficient to say that in general, it aims
8 at the establishment of a new order in East Asia
9 and the enlargement of the scale of the Co-Prosperity
10 Sphere of East Asia by an economic bloc comprising
11 Japan, Manchukuo and China. To accomplish this, the
12 plan provided that "in order to promote national
13 defense economy, finance must function so as to meet
14 national purposes."

15 IV. Plan for new economic structure.

16 GG-32. Reference is hereby made to the
17 evidence of the Defense witness OBATA with respect
18 to the plan for a new economic structure prepared by
19 the Planning Board and submitted to the Cabinet in
20 the autumn of 1940.^{a.} According to OBATA, this plan
21 was proposed by "young officials" of the Planning
22 Board and when presented to the Cabinet by HOSHINO
23 met with considerable opposition, particularly from
24 the Minister of Industries and Commerce KOBAYASHI.

25 GG-32. a. Ex. 865, Page 41, T. 29,149

HOSHINO agreed to alterations (but these, it is submitted, are of only trifling importance) and eventually the plan was adopted by Cabinet.

GG-33. The evidence of OBATA considered with the evidence in KONOYE's Memoirs² appears to make it clear that the dispute in connection with this plan was one of the factors which brought about a reorganization of the Cabinet in April 1941. The real aim of the Army was to convert the Ministry of Industries & Commerce into a Ministry of Munitions. KOBAYASHI was apparently opposed to this and was supported by business men. In the end both KOBAYASHI and HOSHINO resigned and there can be little doubt that while the Army won a victory, it was necessary in order to avoid breaking up the Cabinet for the Army to agree to HOSHINO's resignation also. The new economic plan was intended to effect revolutionary changes in the economic structure in order "to promote the completion of armaments." The plan provided for a high degree of Government control.

V. Other Plans Revealing HOSHINO's Place in the Conspiracy.

GG-34. The whole of the new plan for a changed economic structure is important in the

GG-33. Ex. 3216-A, T. 29,168

1 consideration of the policy decisions made and the
2 economic and other measures taken by the Second KONOYE
3 Cabinet and of HOSHINO's part in these matters. There
4 is set out in the plan a population policy which was
5 adopted by the Cabinet on January 22, 1941.^{a.} This
6 plan was adopted in order that the mission of the
7 Empire to establish the East Asia Co-Prosperity
8 Sphere could be carried out, and also "to secure
9 Japan's leadership in East Asia". An increase of
10 population to 100 million by 1960 was the aim and
11 it is expressly stated that one of the objects was
12 "to ensure the supply of military and labor forces
13 required by a high-degrec national defense state."
14 The Tribunal's attention has already been directed
15 to the obvious inconsistency between the adoption of
16 this plan and the claims made by the defense as to
17 the difficulties caused Japan by reason of her over-
18 population.^{b.}

19 GG-35. It is submitted that as President
20 of the Planning Board and as a member of the Cabinet
21 HOSHINO must be held to have a responsibility for
22 this plan and for all that is involved in it,
23 particularly in view of the close relationship between
24

25 GG-34. a. Ex. 865, Page 45
" b. T. 24,798-24,809

population and the comprehensive production expansion
1 plans for which the Planning Board was responsible
2 or with which it was concerned. This is confirmed
3 by a Japanese newspaper article^{a.} about the plan.
4 According to this article, HOSHINO made detailed
5 explanations of the population policy embodied in
6 the plan.

7 VI. Demands Made on Netherlands East Indies.

8 GG-36. Reference should also be made to
9 the demands made on the Netherlands East Indies with
10 respect to economic matters in August 1940.^{a.} Not
11 only is HOSHINO concerned as a member of the Cabinet,
12 but also as President of the Planning Board, it is
13 certain that he must have had an important share
14 in the preparation of the demands.
15

16
17
18
19
20
21
22
23
24 GG-35. a. Ex. 1067, T. 9879

25 GG-36. a. Ex. 1311, T. 11,798.

K
a
p
l
e
a
u
&
K
n
a
p
pVII. Tri-Partite Pact.

1 GG-37. In addition to his responsibility for
 2 the Pact as a member of the Cabinet, HOSHINO was
 3 directly concerned in his capacity as President of
 4 the Planning Board as is shown by the report of the
 5 proceedings of the Investigation Committee of the Privy
 6 Council concerning the Pact on September 26, 1940. He
 7 attended the proceedings and gave particulars of Japan's
 8 strength in materials, and while he stated that Japan's
 9 reserves were not yet completed, he added, "However,
 10 we are already quite prepared."^{a.}

11 GG-38. It should be mentioned that HOSHINO
 12 was also present at the meeting of the Privy Council
 13 held on September 26, 1940 at the conclusion of the
 14 meeting of the Investigation Committee.^{a.} The Privy
 15 Council approved the draft Pact. The Imperial Rescript
 16 of September 27, 1940, proclaiming the Pact, bears
 17 HOSHINO's name.^{b.}

VIII. Mobilization Law.

19 GG-39. In view of the paramount importance
 20 of the provisions of the National General Mobilization
 21 Law to the economic and other plans with which the

22 (GG-37. a. Ex. 552, T. 6354-5; T. 6365; T. 6369 and
 23 T. 6378.

24 GG-38. a. Ex. 553, T. 6379.

25 b. Ex. 554, T. 6395; Ex. 2225, T. 15962-6.)

1 Planning Board was concerned, it is significant that
2 on March 8th, 1941, it was announced that the Cabinet
3 had decided that the regulations made under that Law
4 would be put in force on March 20th.^{a.}

5 IX. HO-HINO's Connection with The Total War
6 Research Institute.

7 GG-40. The Total War Research Institute was
8 established by an Ordinance of September 30th, 1940.
9 The Ordinance provided that the Institute "shall be
10 under the administration of the Prime Minister and
11 shall control basic study and research in connection
12 with national total war and shall control the education
13 and training of officials and others in connection with
14 national total war." The head of the Institute was to
15 be of Chokunin rank and councillors were to be ap-
16 pointed by the Cabinet from among the higher civil
17 servants of the various Government offices concerned
18 and from among eminent and experienced scholars who
19 were to be recommended to the Throne by the Prime
20 Minister.^{a.} HO-HINO was appointed Acting Director on
21 October 1st, 1940. He was at that time President of the
22 Planning Board and Minister without portfolio.^{b.} In
23 January 1941, a permanent Director was appointed,

24 (GG-39. a. Ex. 1055, T. 9842.

25 GG-40. a. Ex. 868A, T. 8817-8; b. T. 8818-9.)

namely, Lieutenant General IIMURA, who prior to his
 appointment was Chief of Staff of the Kwantung Army
 and who subsequently commanded the 5th Army in Manchuria
 and was later Director of the Military War College.
 HOSHINO was appointed a Councillor on May 2nd, 1941.
 Other councillors appointed were the accused SUZUKI on
 December 21st, 1940^e and KIMURA on May 5th, 1941.^f

GG-41. Members of the Institute included
 high-ranking Army and Navy Officers, Secretaries of
 Ministries and members of staffs of large corporations
 such as the South Manchurian Railway Corp.^a Student
 or research members were departmental officers holding
 important positions in the various ministries, prac-
 tically every branch of the State's activities being
 represented. In addition, there were representatives
 from the Military Staff College, Banks, Industrial
 Corporations, the Schools, the Manchukuo, Chosen, and
 Taiwan Governments, and the North China Area Army.^b

GG-42. The Director and other permanent
 officers were assisted by lecturers of high standing
 chosen from various ministries, Universities, Industry
 and Commerce and other institutions.^a The lectures
 covered a wide range of subjects including the

(GG-40. c. T. 8824-5; T. 27072; d. Ex. 109, T. 710;
 e. Ex. 126, T. 787; f. Ex. 113, T. 727.
GG-41. a. Ex. 868, T. 8825; b. Ex. 869, T. 8825.
GG-42. a. Ex. 869, T. 8826.)

fundamental principles of total national war, the mobilization of materials, food problems, the steel industry, land and sea communications, transport, finance, Foreign Policy, affairs in China, the United States, Great Britain, the Near East, Russia^{b.} and Europe, military and naval tactics, mobilization of munitions and various matters relating to the South Seas. (Ibid.)

GG-43. The Institute issued publications which dealt with a wide variety of subjects. Of the ninety-eight publications, the existence of which is known to the Prosecution, all except three bear the classification "Top Secret," "Secret" or "Confidential."^{a.} Excerpts from a view of the publications were read to the Tribunal which showed a striking anticipation of what actually happened in connection with such important matters as the U.S.-Japanese negotiations and the course they took, events in French Indo-China and Siam, the proposed extent of the Greater East Asia Sphere and the plans for its establishment, and the outbreak of the Pacific war without a previous declaration of war.^{b.} The witness IIMURA stated that the exercises conducted

(GG-42. b. Ex. 3372, T. 32007.

GG-43. a. Ex. 1354, T. 12,345; T. 27,024.

b. Ex. 686A, T. 7416; T. 7420; T. 8889-8925;
Ex. 699A, T. 7425-7429; Ex. 689A, T. 7431-4;
Ex. 690A, T. 7435-7; Ex. 870A, T. 8930-8936;
Ex. 871, T. 8941-8972.

by the institute had as their background the international and domestic situation Japan was then facing or expected to face and the students examined and discussed the national problems which would necessarily arise in case Japan moved into the Southwest Pacific.^c

GG-44. It is to be noted that by Item II of Article 10 of the Imperial Ordinance for the Organization of the War Ministry (as revised), provision was made that matters concerning students of the Institute were to be dealt with by the Military Administration section.^a Although the evidence as to the duration of the Institute's activities is not quite clear, it is evident from the dates of the publications that the Institute was still functioning in 1945.^b

GG-45. The Prosecution submits that the evidence with regard to the formation of the Institute and its activities and publications and also the persons connected with it shows that it was an important organization which was founded and carried on as an essential part of the plans of the conspirators for waging aggressive wars of conquest and expansion. In support of this submission the following comments are made. It was established at a very important time in the course of events leading to the outbreak of the

(GG-43 (continued) c. T. 27072-3.

GG-44. a. Ex. 74, T. 684; b. Ex. 869, p. 3-5.)

1 Pacific War. The YONAI Cabinet had fallen in July 1940
2 and thereafter and, particularly after the Cabinet
3 policy decisions made on July 26th, and the Liaison
4 Conference of July 27th, the aggressive action was
5 taken towards French Indo-China and the Netherlands
6 East Indies in August. On completion of the Tripartite
7 Pact in September, the plans of the conspirators were
8 pushed ahead with great energy. An active period of
9 planning followed in which HOSHIKAWA as President of the
10 Planning Board took a leading part. It cannot be
11 doubted, it is suggested, that the establishment of the
12 Institute was a necessarily logical and inevitable part
13 of the plans for expansion. The publications of the
14 Institute show very clearly that every aspect of war
15 was studied. The Institute was not an ordinary Military
16 or Naval Staff College. Its purpose and functions were
17 much wider. They comprised a study of "national total"
18 war. In other words, it was contemplated that wars
19 would be waged for the purposes of which all the subjects
20 of the state and all its resources would be used. It
21 was considered necessary that there should be studied
22 every subject that bore on the waging of war. These
23 subjects were not limited to the science of fighting,
24 to the training of soldiers and their equipment. It
25 was contemplated that the whole people would be at war

1 in their different spheres and it was intended that the
2 studies and exercises of the Institute would ensure
3 that the maximum value was obtained from every indi-
4 vidual.

5 GG-46. It is necessary in this connection to
6 consider all the evidence that has been presented in
7 this case and particularly that evidence which relates
8 to the aggression in Manchuria and the extension of
9 that aggression to China and the plans made for so many
10 years for the establishment of a Greater East Asia
11 sphere. Is it credible that in September 1940 Japan
12 would have wasted time and energy in a mere academic
13 debating school -- especially, when the carrying on
14 of the school involved so many important Government
15 officials and other persons all of whom were essential
16 to the execution of the expansion plans which have been
17 found in evidence? If the Institute were not regarded
18 as important, it would not have been established by an
19 Ordinance, nor placed under the administration of the
20 Prime Minister nor given the constitution and functions
21 which it possessed. Is it not manifest that being
22 concerned as it was with planning it was no accident
23 that HOS-HINO became its first Director until a permanent
24 Director was obtained? Nor was it merely fortuitous
25 that the Chief of Staff of the Kwantung Army should be

1 made the permanent Director. Can it be seriously sug-
2 gested that at that juncture the officer holding that
3 important appointment was brought to Tokyo to spend his
4 time on unimportant work which had no practical ob-
5 jective?

6 GG-47. In this connection it is interesting
7 to observe that the strengthening of the Manchurian
8 Group's influence in the second KONOYE Government
9 referred to previously was carried a step further by
10 the appointment of IIMURA to the Institute. The com-
11 prehensive nature of the membership, the high status of
12 the Councillors, members and lecturers, the scope of
13 the studies, exercises and publications, the fact that
14 it continued to function during the war when it was
15 important that no man should be idle or not suitably
16 employed, all these factors show conclusively the
17 importance of the Institute.
18

19 GG-48. It is possible, of course, that it had
20 difficulties in getting started and that the Prime
21 Minister and Cabinet and the Councillors were too busy
22 to give it much assistance. It is also possible that
23 it did not fully achieve what was expected of it, al-
24 though its publications would appear to show that it
25 was not only very active but also successful. However,
in the submission of the Prosecution, it has been

1 established that the formation and carrying on of the
 2 Institute affords strong evidence of the aggressive
 3 plans of the conspirators and of the matters charged
 4 in the Indictment.

5 GG-49. The Defense witnesses IIMURA^{a.} and
 6 OSHIMA^{b.} and also the Prosecution witness HORIBA^{c.}
 7 attempted to minimize the importance of the Institute,
 8 its activities and publications, and the functions of
 9 HOSHINO and other defendants in relation thereto. It
 10 is not considered necessary to examine this evidence in
 11 detail. It is submitted that it completely fails to
 12 answer the contentions made by the Prosecution with re-
 13 gard to the Institute.

14 GG-50. So far as HOSHINO is concerned, it is
 15 submitted that the formation and activities of the In-
 16 stitute directly implicate him by reason of his asso-
 17 ciation with it, first as Acting Director and later as
 18 Councillor. He is also implicated as a member of the
 19 Cabinet which caused it to be established and, more
 20 particularly, as President of the Planning Board. The
 21 defense witnesses IIMURA^{a.} and OSHIMA^{b.} have stated
 22 that HOSHINO was inactive in the affairs of the In-
 23 stitute. Even if this evidence be accepted, it does not
 24
 25 GG-49 a. T. 27066; 27077; b. T. 29181-7; c. T. 8820-3887.
GG-50. a. Ex. 3030, T. 27067; T. 27072; T. 27076;
 b. T. 29181-4.

1 in any way free HOSHINO from the responsibility which
2 must necessarily attach to him by reason of his asso-
3 ciation with the Institute.

4 D. HOSHINO's RESIGNATION IN APRIL 1941.

5 GG-51. In April 1941, HOSHINO resigned his
6 position as President of the Planning Board and Minister
7 without Portfolio in the second KONOYE Cabinet. De-
8 fense witness OBATA^{a.} gave no explanation of the reason
9 for HOSHINO's resignation although he refers to disputes
10 between HOSHINO and KOBAYASHI over the economic plans.

11 According to him,^{b.} an economic plan^{c.} was prepared by
12 some of the young officials of the Planning Board.
13 When HOSHINO submitted this plan in the autumn of 1940
14 to the Economic Minister of the Cabinet, there was con-
15 siderable opposition, especially from KOBAYASHI. The
16 witness stated that HOSHINO agreed to its being changed
17 so as to make it more in favor of a laissez-faire
18 economy and eventually after certain changes had been
19 made^{d.} the Cabinet approved of the plan. It should
20 be pointed out incidentally that the changes mentioned
21 by OBATA appear to be quite immaterial.

22 GG-52. KONOYE Memoirs,^{a.} with regard to the
23 change of Cabinet Ministers connected with economic

24 (GG-51. a. Ex. 3214, T. 29139; b. Ex. 3214, T. 29149;
25 c. Ex. 865, T. 8807; d. T. 29,150.
GG-52. a. Ex. 3216A, T. 29,169.)

1 affairs in April 1941, is a very important piece of
2 evidence. The whole document deserves careful study.
3 It is submitted that it clearly shows that the resigna-
4 tions of KOBAYASHI and HOSHINO were brought about by
5 the disputes that arose over the economic plans and from
6 a consideration of all the circumstances the true posi-
7 tion would appear to be as follows:

8 THE PRESIDENT: We will recess for fifteen
9 minutes.

10 (Whereupon, at 1045, a recess
11 was taken until 1100, after which the pro-
12 ceedings were resumed as follows:)

13
14
15
16
17
18
19
20
21
22
23
24
25

Y
e
l
d
e
n
&
G
r
e
e
n
b
e
r
g

1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mrs. Lambert.

4 MRS. LAMBERT: The dispute between HOSHINO
5 and KOBAYASHI was a very serious one. It is probable
6 also that, despite HOSHINO's denial, trouble was in
7 fact caused by KOBAYASHI prematurely disclosing the
8 plans to businessmen and obtaining their support to
9 his opposition to HOSHINO's plans. It is not cred-
10 ible that the Army opposed the plans. Indeed, it
11 cannot be doubted that the Army was to a large ex-
12 tent actually responsible for them. Nor does it
13 appear to be credible that the Army or TOJO forced
14 HOSHINO to resign because HOSHINO was not prepared
15 to go along with the Army. KONOYE makes it plain that
16 he did not wish the dispute to break up his Cabinet
17 and that the dispute had to be concealed from the
18 public. KONOYE persuaded OGURA to join the Cabinet
19 without portfolio and he decided with the approval of
20 TOJO and others to replace Kobayashi by the appoint-
21 ment of Vice Admiral TOYODA. It was obvious that
22 KOBAYASHI would not resign if he would "lose face"
23 by doing so, and he would not have given way to
24 another businessman. To replace him by TOYODA would
25 save his face and at the same time satisfy the Army

1 and the Navy. It is apparent from the whole docu-
2 ment, in the course of which HOSHINO's name is
3 hardly mentioned, that HOSHINO was quite willing to
4 resign and it was KOBAYASHI who was making the diffi-
5 culty. The only reasonable inference is that it was
6 considered by the Army wiser not to break up the
7 Cabinet but that HOSHINO should resign. HOSHINO must
8 have been a party to this. He was replaced by a
9 militarist SUZUKI and, therefore, in substance the
10 Army achieved what they were striving for. But the
11 most important point to be observed from this ex-
12 cerpt from KONOYE's memoir is that, according to
13 KONOYE, the appointment of TOYODA would result in
14 clarifying "the character of the ministry of Com-
15 merce and Industry as a munitions ministry."^a KONOYE
16 goes on to say that this, together with the fact
17 that SUZUKI headed the Planning Board would mark an
18 advance towards the perfecting of the national de-
19 fense structure. It is plain that the whole object
20 of the readjustment of the Cabinet and the change in
21 the Planning Board appointment was to make the Minist-
22 ry of Industry and Commerce in fact, but not in name,
23 a munitions ministry.
24

25 GG-54. The defense declared in the opening

GG-53. a. lx. 3216A, T. 29,174

statement to HOSHINO's defense that KONOYE's memoirs
1 would show that TOJO informed HOSHINO he must resign.
2 KONOYE's Memoirs do not go as far as this,^a but it
3 cannot be doubted that HOSHINO's resignation came
4 about because of his desire to further the Army's
5 plans for expansion. It is submitted that HOSHINO
6 resigned in order to assist TOJO and the other
7 militarists and to further the expansion plans of
8 the conspirators.
9

10 E. Period between April 4th, 1941 and
11 October 18th, 1941.

12 GG-55. The circumstances in connection
13 with HOSHINO's resignation of the appointments held
14 by him in the Second KONOYE Administration have al-
15 ready been referred to, and it has been suggested
16 that the true explanation of his resignation is that
17 it was made in order to further the conspiracies.
18 The apparent inactivity of HOSHINO after his resig-
19 nation and until he became Chief Cabinet Secretary
20 on October 18, 1941, possesses, it is suggested, an
21 important significance.
22

23 GG-56. According to the defense, from the
24 time of his resignation until he was appointed Chief
25 Cabinet Secretary HOSHINO led a life of idleness.

GG-54. a. Ex. 3216A, T. 29,169

The witness MURAKAMI^a testified that after his resignation HOSHINO spent his time in reading, exercise and in traveling about the country. According to him, HOSHINO took no part whatever in public affairs and his only visitors were long-standing friends. It should be observed that this witness while claiming that he took charge of HOSHINO's business and affairs after his resignation and for that purpose lived at his private house, although he was employed in the Ministry of Finance at the time, claims at the same time that HOSHINO had no business. Indeed, in his own words -- "his life was that of unemployment to the letter." Further, although he professes to be able to say that HOSHINO took no part in affairs and even goes so far as to say that HOSHINO never even talked with TOJO on the telephone, he goes to some trouble to explain that most of the time HOSHINO was traveling and was not accompanied by the witness. In this connection, reference should be made to the interrogation of HOSHINO by the prosecution introduced by the defense.^b There HOSHINO stated that after his resignation he was doing no special job and was visiting various parts

GG-56. a. Ex. 3218, T. 29,188
b. Ex. 3212A, T. 29,203

1 of the country. The trips to the country, he stated,
2 were mostly private and he claimed that he made the
3 trips to see the condition of the country.

4 GG-57. The defense witness INADA^a stated in
5 his affidavit that HOSHINO had told him that all he
6 had been doing after he resigned in April was to
7 travel around Japan. It is remarkable that HOSHINO
8 should have taken a six-months holiday at that
9 critical juncture. When it is remembered that he
10 had been for all his working life a government official
11 until he was brought to Japan in July 1940, to
12 enter the KONOYE Cabinet and that he was only 49
13 years of age, it is extraordinary that he should have
14 been so inactive. If the prosecution's submission is
15 accepted, that his resignation was made in order to
16 further the conspiracy of which he was a strong supporter,
17 it would appear to be reasonable to suggest
18 that his statement that he was inactive during that
19 long period is not credible. It appears much more
20 likely that he was quietly engaged in organizing and
21 furthering the conspiracy and that he was standing by
22 in the meanwhile until the time should be appropriate
23 for him to take a more active part. This time came
24 when, in October 1941, the KONOYE Cabinet fell and
25 GG-57. a. Ex. 3220, T. 29,199

1 TOJO became Prime Minister. It would appear to be
2 more than a coincidence that HOSHINO, who had worked
3 with TOJO in Manchuria, who had been so prominent in
4 Manchuria, who had entered the Cabinet at the same
5 time as TOJO and other members of the Manchurian
6 Group and who had resigned under the circumstances
7 which have been referred to, was so conveniently
8 available to become the Chief Cabinet Secretary at
9 that time. While there is no direct evidence which
10 shows that HOSHINO during this period was engaged in
11 furthering the plans for aggression and expansion,
12 it seems probable that in all the circumstances he
13 was doing so.

14 F. Period During Which HOSHINO was Chief
15 Cabinet Secretary.

16 GG-58. On October 13, 1941, HOSHINO became
17 Chief Cabinet Secretary in the Cabinet then formed by
18 TOJO, and he held this appointment until July 22,
19 1944,^a when the TOJO Cabinet fell. In the prosecu-
20 tion's interrogation of HOSHINO,^b HOSHINO claimed that
21 he had intended going to Korea in October on a visit
22 but cancelled the visit on being appointed Chief
23 Cabinet Secretary. HOSHINO also stated that he and
24 GG-58.
25

a. Ex. 109, T. 710; Ex. 102, T. 685
b. Ex. 3212, T. 29,204; T. 29,191-2

TOJO were not exactly old friends but stated that
1 TOJO was in Manchuria for about two years at the time
2 he was and also that he worked with him when TOJO
3 was Minister of War and HOSHINO was on the Planning
4 Board. When asked whether he was not the closest
5 man in the Cabinet to TOJO he replied, "As the Chief
6 Secretary I was the closest to TOJO, however, I can-
7 not say that I was the closest adviser." TOJO testi-
8 fied that because he needed an assistant, it was
9 necessary for him first to choose the Chief Secretary
10 of the Cabinet, and so he chose HOSHINO, who had been
11 one of his colleagues in the Second KONOYE Cabinet
12 and whom he considered the ideal man for the post
13 because of his previous experience and personal
14 ability.^c
15

16 GG-59. The defense offered evidence to
17 show the duties of Chief Cabinet Secretary.^a Apparent-
18 ly, it is the defense's contention that the duties
19 outlined in this exhibit are such as to make the
20 holder of the office a mere official and the holder
21 could play no effective part in the conspiracy. The
22 evidence of the defense witness INADA, who was a
23 member of the Cabinet Secretariat, is apparently also
24

25 GG-58. c. Ex. 3655, T. 36,314
GG-59. a. Ex. 3219, T. 29,193

1 directed to this point as well as to show that no
2 significance should be attached to HOSHINO's appoint-
3 ment to this position. According to INADA, he was
4 asked by TOJO to assist him in the selection of the
5 Chief Cabinet Secretary. TOJO gave him the names of
6 two persons whom he was considering for the appoint-
7 ment, that of HOSHINO and one other, and he asked
8 INADA whether the Secretariat could work smoothly
9 under HOSHINO.^b It does not appear that TOJO asked
10 him the same question about the other candidate. On
11 cross-examination, INADA explained that the appoint-
12 ment of Chief Cabinet Secretary was really in the
13 hands of the Prime Minister^c and that whenever there
14 was a change of Prime ministers, there was a change
15 of Chief Cabinet Secretary.

16 GG-60. It is submitted that on the evidence
17 as a whole the appointment of HOSHINO (if not in the
18 case of other Chief Cabinet Secretaries) at that time
19 enabled him to exercise and in fact he did exercise
20 a definite influence over the course of events.

21 Reference has already been made to the fact that,
22 according to the defense evidence, HOSHINO had been
23 idle for six months. This is in itself extraordinary
24

25 GG-59.

b. T. 29,193
c. T. 29,202

and it is suggested difficult to believe. The evidence shows that during that period he was a member of the House of Peers, having been appointed on his resignation in April, and on May 2, he was appointed a Councillor of the Total War Research Institute. Further, on July 12 he was appointed a member of the National Mobilization Investigation Committee. Surely these appointments carried with them some duties and obligations. It appears to be more than merely fortuitous that he should be ready to take this appointment immediately after the Army Group had brought about the downfall of the KONOYE Cabinet. It seems clear that the appointment of Chief Cabinet Secretary was the personal appointment of the Prime Minister, and that from TOJO's previous knowledge of HOSHINO's activities in Manchuria and as a fellow member of the KONOYE Cabinet he selected a man whom he knew was in favor of and would support fully the War Policy.

GG-61. It is suggested that the appointments held by him and his activities after he became Chief Cabinet Secretary show that he was taking an active part in affairs both before and after the outbreak of war. On November 1, he was made a Councillor of the GG-60. a. Ex. 109, T. 710

1 Planning Board. Although he ceased on November 5 to
2 be a member of the National Mobilization Investigation
3 Committee (possibly because his continuing in this
4 office was uncomfortable with functions as a Planning
5 Board Councillor) he was on November 6 appointed a
6 member of the Science Investigation Committee. On
7 November 15 he was appointed a member of the Govern-
8 ment Committee at the 77th Session of the Diet. On
9 November 24, he ceased to be a Councillor of the
10 Total War Research Institute and on December 2, he
11 became a member of the Committee for the Encourage-
12 ment of People's Savings. He received further
13 appointments as a member of the Government Committee
14 at the successive Diet sessions and it is significant
15 that on February 21, 1942 he became Secretary of the
16 Investigation Committee for the Establishment of
17 Greater East Asia, and later in November he became a
18 member of the Liaison Committee of the Greater East
19 Asia Ministry.^a It is submitted that the fact that
20 these appointments were made as well as their nature
21 was attributable to his being an active participant
22 in the conspiracies.
23

24 GG-62. It should be mentioned that after
25 HOSHINO became Chief Cabinet Secretary he attended the
GG-61. a. Ex. 109, T. 710

1 very important Imperial Conferences on November 5
2 and December 1, 1941. HOSHINO was also present at a
3 number of liaison Conferences between October 23 and
4 December 8, 1941, and he had an active part in the
5 conferences, according to TOGO.^a At these confer-
6 ences, HOSHINO stated the stationing of Japanese
7 troops in China was necessary, and that the Japanese
8 conditions for settlement of the Sino-Japanese con-
9 flict relative to the talks with the United States
10 should not be relaxed. TOGO testified that HOSHINO
11 took a strong stand that Japanese proposals for
12 negotiations should not be relaxed in these Confer-
13 ences prior to Pearl Harbor.^b HOSHINO also indi-
14 cated the negotiations should be terminated because
15 they would not reach a successful culmination.^c
16 According to TOGO and TOJO, HOSHINO also explained
17 various plans and proposals to the Liaison Confer-
18 ences and acted as an "Explainer" at the Privy Council
19 meetings held December 8, 1941 (with regard to the
20 Declaration of War).^d HOSHINO was an "Exponent" at
21 meetings of the Privy Council on October 9, 12 and
22 14, 1942 in connection with the organization of

23 GG-62.

- 24 a. T. 36,072; T. 36,084
25 b. T. 36,084; T. 36,086; T. 36,077; T. 36,090
c. T. 36,091
d. T. 35,757; T. 36,084; T. 36,192

Greater East Asia Ministry. Further, on November 6,
1 1943, he attended the assembly of East Asiatic
2 Nations.^e
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

GG-62.

e. Ex. 1346, T. 12,098

63-G. HOSHINO's guilt of the offenses charged
is established as indicated below.

Count 1: Paragraphs GG-1, 2, 3, 4, 5, 6,
8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21,
25, 27, 28, 29, 30, 31, 34, 35, 37, 38, 39, 40, 42,
43, 45, 60, 61, 62.

Count 2: Paragraphs GG-1, 2, 3, 4, 5, 6,
8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21,
25, 27, 28, 29, 30, 31, 34, 35.

Count 3: Paragraphs GG-1, 2, 3, 4, 5, 6,
8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21,
25, 27, 28, 30, 31, 60, 61, 62.

Count 4: Paragraphs GG-1, 2, 3, 4, 5, 6,
8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21,
25, 27, 28, 29, 30, 31, 34, 35, 36, 37, 38, 39, 40,
42, 43, 45, 60, 61, 62.

Count 5: Paragraphs GG-29, 30, 31, 37, 38.

Count 6: Paragraphs GG-1, 2, 3, 4, 5, 6,
8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21,
25, 27, 28, 29, 30, 31, 34, 35, 39, 40, 42, 43, 45.

Count 7: Paragraphs GG-4, 5, 6, 8, 9, 10,
11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 25, 27, 28,
29, 30, 31, 39, 40, 42, 43, 45, 60, 61, 62.

Count 8: Paragraphs GG-1, 2, 3, 4, 5, 6, 8,
9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 25, 27,

28, 29, 30, 31, 39, 40, 42, 43, 45, 60, 61, 62.

Count 9: Paragraphs GG-1, 2, 3, 4, 5, 6,
8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21,
25, 27, 28, 29, 30, 31, 39, 40, 42, 43, 45, 60, 61,
62.

Count 10: Paragraphs GG-1, 2, 3, 4, 5, 6,
8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21,
25, 27, 28, 29, 30, 31, 39, 40, 42, 43, 45, 60, 61, 62.

Count 11: Paragraphs GG-1, 2, 3, 4, 5, 6,
8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 25,
27, 28, 29, 30, 39, 40, 42, 43, 45, 60, 61, 62.

Count 12: Paragraphs GG-1, 2, 3, 4, 5, 6,
8, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 25,
28, 29, 30, 31, 39, 40, 42, 43, 45, 60, 61, 62.

Count 13: Paragraphs GG-1, 2, 3, 4, 5, 6,
8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 25,
27, 28, 29, 30, 31, 40, 42, 43, 45, 60, 61, 62.

Count 14: Paragraphs GG-1, 2, 3, 4, 5, 6, 8,
9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 25, 27,
28, 29, 30, 31, 39, 40, 42, 43, 45, 60, 61, 62.

Count 15: Paragraphs GG-1, 2, 3, 4, 5, 6, 8,
9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 25, 27,
28, 29, 30, 31, 39, 40, 42, 43, 45, 60, 61, 62.

Count 16: Paragraphs GG-1, 2, 3, 4, 5, 6, 8,
9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 25, 27,

28, 29, 30, 31, 39, 40, 42, 43, 45, 60, 61, 62.

1 Count 17: Paragraphs GG-1, 2, 3, 4, 5, 6,
2 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 25,
3 27, 28, 29, 30, 31, 37, 38, 39, 40, 42, 43, 45, 60,
4 61, 62.

5 Count 19: Paragraphs GG-1, 2, 3, 4, 5, 6,
6 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 25,
7 27, 28, 35, 60, 61, 62.

8 Count 20: Paragraphs GG-60, 61, 62.

9 Count 21: Paragraphs GG-1, 2, 3, 4, 5, 6,
10 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 25,
11 60, 61, 62.

12 Count 22: Paragraphs GG-60, 61, 62.

13 Count 23: Paragraphs GG-27, 28, 29, 30, 31,
14 39, 40, 42, 43, 45.

15 Count 24: Paragraphs GG-60, 61, 62.

16 Count 25: Paragraphs GG-1, 2, 3, 4, 5, 6,
17 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 25.

18 Count 27: Paragraphs GG-1, 2, 3, 4, 5, 6,
19 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 25,
20 29, 30, 31, 35, 39, 40, 42, 43, 45.

21 Count 28: Paragraphs GG-1, 2, 3, 4, 5, 6,
22 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 25,
23 27, 28, 29, 30, 31, 39, 40, 42, 43, 45.

24 Count 29: Paragraphs GG-29, 30, 31, 60, 61,
25

62.

1

Count 30: Paragraphs GG-29, 30, 31, 60, 61,

2

62.

3

Count 31: Paragraphs GG-29, 30, 31, 60, 61,

4

62.

5

Count 32: Paragraphs GG-29, 30, 31, 60, 61,

6

62.

7

Count 33: Paragraphs GG-27, 28, 29, 30, 31,

8

39, 40, 42, 43, 45, 60, 61, 62.

9

Count 34: Paragraphs GG-60, 61, 62.

10

Count 35: Paragraphs GG-4, 5, 6, 8, 9, 10,

11

11, 12, 13, 14, 15, 16, 17, 20, 21, 25.

12

Count 37: Paragraphs GG-27, 28, 29, 30, 31,

13

36, 39, 40, 42, 43, 45, 60, 61, 62.

14

Count 38: Paragraphs GG-29, 30, 31, 36, 39,

15

40, 42, 43, 45, 60, 61, 62.

16

Count 39: Paragraphs GG-60, 61, 62.

17

Count 40: Paragraphs GG-60, 61, 62.

18

Count 41: Paragraphs GG-60, 61, 62.

19

Count 42: Paragraphs GG-60, 61, 62.

20

Count 43: Paragraphs GG-60, 61, 62.

21

Count 52: Paragraphs GG-1, 2, 3, 4, 5, 6, 8,

22

9, 10, 11, 12, 13, 14, 15, 16, 17, 19, 20, 21, 25.

23

Count 54: Paragraphs GG-1, 2, 3, 4, 5, 6, 8,

24

9, 10, 11, 12, 13, 14, 15, 16, 17, 27, 28, 29, 30, 31.

25

Count 55: Paragraphs GG-1, 2, 3, 4, 5, 6,
8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 27, 28, 29, 30,
31.

THE PRESIDENT: That was a very clear
presentation, Mrs. Lambert.

MRS. LAMBERT: Thank you. Judge Hsiang will
follow for the prosecution.

THE PRESIDENT: Judge Hsiang.

JUDGE HSIANG: If the Tribunal please, I
will read the prosecution's summation against the
defendant ITAGAKI, Seishiro.

Charged under counts: 1-5, 6-17, 18-19, 23,
25-26, 27-32, 33-34, 35-36, 44-47, 51-55.

I. Prior to the Mukden Incident.

II. The Mukden Incident.

III. The Creation of a Puppet State.

IV. Control of "Manchukuo."

V. Inner Mongolia, North China and All China.

VI. War Minister, 1938-1939.

VII. Waging War in China and in the Pacific.

VIII. Conclusion.

I. PRIOR TO THE MUKDEN INCIDENT.

HH-1. In May 1929, ITAGAKI was appointed
staff officer of the Kwantung Army^a and soon afterwards

HH-1.

a. Ex. 110, T. 715.

1 he identified himself as the recognized leader of
 2 the young officers there.^{b.} TANAKA, in his testimony
 3 on the background of the Mukden Incident, repeatedly
 4 referred to this fact.^{c.} The aspiration of the young
 5 officers was to occupy Manchuria, to separate it
 6 from China, to keep it for Japan, and to exploit it
 7 economically.^{d.}

8 HH-2. To embark on such an undertaking, it
 9 was necessary to organize themselves in both plotting
 10 and agitation. ITAGAKI became intimately acquainted
 11 with the group around Dr. OKAWA, Shumei, consisting
 12 of DOHIHARA, KOISO, TADA and others whose avowed
 13 objective was to absorb Manchuria in order to make
 14 Japan self-sufficient.^{a.} To carry out their objective,
 15 ITAGAKI, together with HASHIMOTO, DOHIHARA, KOISO and
 16 others, was subsequently involved in the drafting of
 17 a plan to overthrow the civilian government.^{b.} Partic-
 18 ular attention is invited to this point as it consti-
 19 tutes the very beginning of the conspiracy.
 20

21 HH-3. In the earlier part of 1930, OKAWA
 22 went to Mukden to see Chang Hsueh-liang, the Chinese

23 HH-1.

24 b. Ex. 245, T. 3016.

25 c. T. 1960; T. 1966; T. 1971; T. 1975; T. 1983.

d. T. 1976; Ex. 245, T. 3016; T. 23017.

HH-2.

a. Ex. 2177-A, T. 15565-6.

b. Ex. 2177-A, T. 15587.

1 General in Manchuria. OKAWA proposed that Chang
2 should separate himself and the area under his
3 control from the rest of China.^a This overture was
4 turned down by Chang. The conspirators reached the
5 conclusion to achieve the objective by using force.

6 HH-4. MORISHIMA testified that the Kwantung
7 military clique held the strong opinion that in order
8 to preserve Japanese interests in Manchuria it would
9 be necessary to occupy it by the use of armed force
10 and to establish a government there subservient to
11 Japan.^a ITAGAKI personally voiced such opinion to
12 TANAKA.^b Though ITAGAKI himself denied that such a
13 conversation ever took place between TANAKA and himself,^c
14 yet his close associate, ISHIHARA, had to admit under
15 cross-examination that ITAGAKI did entertain the idea
16 that an armed conflict would be inevitable.^d

17 HH-5. An armed conflict was in fact not
18 inevitable, as both the Chinese authorities and the
19 Japanese consuls were trying hard to reach a settle-
20 ment.^a But the efforts toward peace were frustrated
21 by the army clique.^b In doing so, the conspirators

23 HH-3.

24 a. T. 1980.

HH-5.

a. Ex. 57, pp. 64-65.
b. T. 3016-7.

25 HH-4.

a. T. 3016-7.
b. T. 1959-60; T. 1984-6.
c. T. 30325-7.
d. T. 22198.

made the situation appear that an armed conflict was inevitable and such a conclusion was reported to Tokyo.^c Most assuredly, it was a make-believe situation calculated for the purpose of agitation. The achieved result was admitted by ISHIHARA that all Japan was discussing the failure of negotiations. On the eve of the Mukden Incident, DOHARA, a close associate of ITAGAKI, was summoned to Tokyo. There he advocated through the press the solution of all pending issues in Manchuria by force if necessary and as soon as possible.^d

HH-6. While the open agitation was going on, the secret operational plan was made ready. ISHIHARA, who prepared the operational plan, testified that ITAGAKI knew it.^a He also testified that ITAGAKI was in charge of supervising the special service organ at Mukden.^b ITAGAKI knew that two guns were installed at Mukden in secrecy.^c ITAGAKI in his own testimony attempted to explain that the secrecy of the guns was maintained in order not to excite the Chinese.^d But there has been no denial that these guns were effectively used in a surprise attack against the Chinese.

HH-5.

- c. T. 22199.
- d. Ex. 57, p. 66.

HH-6.

- a. T. 22158.
- b. T. 22208.
- c. T. 22158; T. 1987-91.
- d. T. 30258.

1 ITAGAKI further explained that the whole operational
2 plan was a defensive one, but he contradicts himself
3 by saying that the main forces would be afforded an
4 opportunity to deliver a heavy blow to the nucleus
5 of the Chinese Army.^e

6 HH-7. That the incident was a pre-arranged
7 one is even more apparent, since OKAWA in Tokyo had
8 already learned of it a month beforehand. He told
9 SHIMIZU when he was drunk that ITAGAKI and others would
10 bring about an incident in Manchuria in the near
11 future.^a Early in September reports came to Tokyo
12 that ITAGAKI and other staff officers of the Kwantung
13 Army were scheming to start some actions.^b ITAGAKI
14 was reported as to have employed Japanese adventurers
15 for creating troubles. Although he denied this, he
16 admitted in substance that there was a report to that
17 effect.^c Evidence later introduced shows that upon
18 receiving such report the Japanese Foreign Minister
19 instructed the Consul-General to control the activities
20 of adventurers and informed the Army of the same.^d
21 Apparently Tokyo was very much worried. A special
22 envoy in the person of TATEKAWA was sent to Mukden to
23 stop the action.^e

25 HH-6.
e. T. 30258.

HH-7.
a. T. 1404.

HH-7.
b. T. 19821; T. 19827.
c. T. 30343-7.
d. Ex. 3739, T. 37315.
e. T. 19821.

II. THE MUKDEN INCIDENT

1 HH-8. TATEKAWA, leaving for Mukden,
2
3 telegraphed ahead that he would like to meet either
4 ITAGAKI or ISHIHARA.^{a.} In response, ITAGAKI was sent
5 to Mukden with an assignment to meet TATEKAWA and to
6 contact the Special Service Organ and the Consulate-
7 General.^{b.} ITAGAKI admitted that it was customary
8 for a special emissary like TATEKAWA to deliver mes-
9 sage without delay. However, he spent two hours
10 with TATEKAWA without any serious desire to learn
11 about the contents of the message which TATEKAWA was
12 to deliver, nor was TATEKAWA in earnest to have any
13 discussion about it with him.^{c.} In fact, ITAGAKI
14 just put him off until the next day.^{d.} Of course,
15 there was never a next day for the supposedly intended
16 purpose, as the Incident broke out the very same
17 evening.
18

19 HH-9. As soon as he disposed of TATEKAWA,
20 ITAGAKI went to the Special Service Organ and, as he
21 put it, chatted there for at least one hour and a
22 half.^{a.} It must be pointed out that this Organ was
23 the only link between the outposts and the headquarters

24 HH-8.

- 25 a. T. 19110.
 b. T. 22117-8.
 c. T. 30350-1.
 d. T. 22122.

HH-9.

- a. T. 30352.

1 of the Kwantung Army at Port Arthur, for that Organ
 2 alone possessed the code to dispatch telegrams to the
 3 Commander in Chief.^{b.}

4 HH-10. The alleged Incident broke out and
 5 Colonel HIRATA went to the Special Service Organ.
 6 Thereupon ITAGAKI assumed the duty of directing the
 7 operations, HIRATA in his testimony attempted to show
 8 that ITAGAKI had no authority to give him orders.
 9 However, he admitted that he did ask for ITAGAKI's
 10 approval for attacking the Chinese, and he did receive
 11 such an assurance from ITAGAKI.^{a.} ISHIHARA also
 12 admitted that ITAGAKI did give the field commander
 13 either guidance or instructions.^{b.} ITAGAKI himself
 14 admitted he gave them certain assurance.^{c.}

15 HH-11. ISHIHARA testified that ITAGAKI had
 16 no time to investigate,^{a.} and ITAGAKI stated that com-
 17 munications were bad and he was unable to ascertain
 18 the true nature of the situation.^{b.} Thus, it is
 19 apparent that he arbitrarily approved the field
 20 commander's plan to attack the Chinese army without
 21 even troubling himself to find out what was really

22 HH-9.

23 b. T. 30353.

24 HH-11.

a. T. 2209.

b. T. 30356.

25 HH-10.

a. T. 19307-13.

b. T. 22122; T. 22153; T. 22213.

c. T. 30265.

1 going on. He was informed that the Chinese made it
 2 known that there would be no resistance in the inter-
 3 est of peace. ISHIHARA so testified,^{c.} KATAKURA, who
 4 later investigated it, so confirmed,^{d.} and ITAGAKI
 5 himself so admitted.^{e.} Yet when Consul-General
 6 HAYASHI pleaded with ITAGAKI to stop the military
 7 action in view of non-resistance from the Chinese,
 8 ITAGAKI refused.^{f.} Even while he had not ascertained
 9 the actual situation, he bluntly alleged without
 10 foundation that the regular Chinese army challenged
 11 the Japanese.^{g.} Even while he had not the time to
 12 investigate, he told HAYASHI that it was necessary to
 13 deal with the Chinese Army thoroughly.^{h.}

15 HH-12. Once the approval was given and the
 16 operational plan carried out in earnest, the Japanese
 17 army began the occupation of Manchuria. Therefore,
 18 it is inevitable to draw the conclusion that it was
 19 ITAGAKI who as one of the central figures in the
 20 Kwantung Army had planned and carried out the
 21 occupation of Manchuria.^{a.}

22 HH-11.

HH-12.

23 c. T. 19105.
 24 d. T. 18936.
 25 e. T. 30265.
 f. Ex. 2193, T. 51734.
 g. T. 30266.
 h. Ex. 2193, T. 15735-6.

a. T. 1969-71;
 T. 1975.

M
O
r
s
e
&
W
h
a
l
e
nIII. THE CREATION OF A PUPPET STATE

1 HH-13. Soon after Mukden was occupied,
 2 DOHIHARA was appointed mayor. ITAGAKI was the man
 3 who set up this municipal administration with a mili-
 4 tary man as chief,^{a.} although he denied that it was he
 5 who recommended DOHIHARA.^{b.} However, defense witness
 6 YAMAGUCHI testified that ITAGAKI approved the appoint-
 7 ment.^{c.} While he also denied that it was a military
 8 administration,^{d.} his co-defendant MINAMI admitted in
 9 substance that it was at least a temporary military
 10 administration.^{e.} ITAGAKI alleged that DOHIHARA was
 11 assisted by the Chinese and there were only a few
 12 Japanese advisors.^{f.} Under cross-examination he said
 13 he did not remember what were the positions the Japanese
 14 held in the municipal administration,^{g.} but exhibit
 15 3479-B^{h.} gives a complete list of the principal func-
 16 tionaries and all of them were Japanese. This admin-
 17 istration in Mukden, in less than one month after its
 18 establishment, planned, in accordance with the army's
 19 secret plans, the monopolization of opium and the
 20 issuing of lottery tickets for the purpose of raising
 21 funds.^{i.}

(HH-13. a. Ex. 2194, T. 15,736

b. T. 30356

c. T. 18813-9

d. T. 30358

e. T. 19879

f. T. 30267

g. T. 30359

h. T. 33603

i. Ex. 3740, T. 37339)

1 HH-14. After creating the Mukden municipality,
2 the next step was to set up a Self-Government Guiding
3 Board. KASAGI, who served in it, testified that
4 policies and activities were controlled by ITAGAKI.^{a.}
5 ISHIHARA at first stated that ITAGAKI had hardly any
6 connection with the Board.^{b.} When confronted with a
7 previous statement made by him, ISHIHARA admitted
8 that he did make the statement before that ITAGAKI
9 was its political advisor. Anything that the Self-
10 Government Guiding Board did had to be sanctioned by
11 the army, and ITAGAKI was able to know about it.^{c.}
12 KATAKURA testified that pursuant to the order of the
13 Vice Minister of War, the Kwantung Army officers were
14 not supposed to participate in any political movement.
15 He admitted, however, that certain assurances of
16 ITAGAKI had served as a suggestion in carrying out
17 the independence movement.^{d.} KASAGI testified that
18 DOHIHARA and ITAGAKI manipulated the Chinese puppet.^{e.}
19 In spite of ITAGAKI's denials,^{f.} abundant evidence
20 shows that the activities of the puppets were entirely
21 under the control of these two conspirators.^{g.}

22 (HH-14. a. T. 2793-4
23 b. T. 22249
24 c. T. 22251-2
25 d. T. 18943; T. 19081
e. T. 2793-4
f. T. 30366-8
g. Ex. 3479-E-1, T. 33600-30)

Hh-15. After setting up the Self-Government Guiding Board in South Manchuria, North Manchuria remained to be brought under control. Though the defense witness TAKEDA denies it,^{a.} the evidence shows that the Japanese supplied Chang Hai-peng with 3,000 rifles and 200,000 Chinese Yuan in silver to enlarge his army in order to march into North Manchuria. On the other hand, General Ma Chan-shan in possession of his troops there was conceded by the accused ITAGAKI to be a man of real worth.^{c.} In lieu of taking military operations against him, an intrigue was arranged.^{d.} DOHIHARA was sent to North Manchuria in January 1932. He induced General Ma to become a puppet by offering him money and munitions,^{e.} and ITAGAKI himself went to see Ma and made him join the Japanese.^{f.} Furthermore, the Japanese supplied arms to the Mongols in North Manchuria to support their so-called independence.^{g.} To create a puppet state governing all Manchuria, Japanese adventurers, who called themselves a National Guard Unit, became very active at various places. It was discovered to be a scheme based on high policy decided and executed by ITAGAKI.^{h.}

(HH-15. a. T. 19363-73 g. Ex. 2406, T. 36322
 b. Ex. 2407, T. 37324 h. Ex. 305, T. 4403-5)
 c. T. 30277
 d. Ex. 57, Lytton Report, p. 79
 e. T. 3231-4
 f. T. 18950

1 HH-16. ITAGAKI alleged that prior to the
 2 Mukden Incident the anti-Japanese movement in Manchuria
 3 was active and intense.^{a.} After the occupation of
 4 Manchuria by the Japanese army, ITAGAKI claimed that
 5 the common desire was the creation of an independent
 6 state. Suddenly leaders in many provinces and districts
 7 came forward favoring separation from China.^{b.} It
 8 was he himself who controlled these puppets as shown
 9 in exhibit 2195.^{c.} Again it was he himself who reported
 10 to Commander-in-Chief HONJO that independence was the
 11 unanimous demand of the Manchurian people.^{d.}

12 HH-17. But the puppet state was in need of a
 13 titular head, and the ex-emperor Pu-Yi seemed to be a
 14 good choice. In November 1931 DOHIHARA was sent to
 15 North China, and as soon as he arrived in Tientsin
 16 disturbances broke out there. Thereupon the staff
 17 officers of the Kwantung Army proposed the immediate
 18 dispatch of troops to reinforce the garrison force at
 19 Tientsin in North China.^{a.} ITAGAKI admitted that he
 20 only arranged for the expenses for DOHIHARA's trip,^{b.}
 21 but he certainly did more than that. DOHIHARA was given
 22 an additional assignment to contact Pu-Yi.^{c.}

23 (HH-16. a. T. 30255 b. T. 30375
 24 b. Ex. 3316, T. 30275-8 c. T. 30380)
 25 c. T. 15739
 d. T. 30278)
 (HH-17. a. Ex. 57, pp. 76-77

HH-18. DOHIHARA, in his interrogation, testified that details of his meetings with Pu-Yi were arranged by ITAGAKI.^{a.} Consul General HAYASHI also reported ITAGAKI's activities in connection with Pu-Yi's coming to Manchuria.^{b.} At the request of Consul General HAYASHI, Commander-in-Chief HONJO had instructed ITAGAKI to notify DOHIHARA not to hurry about the undertaking and ITAGAKI admitted that he had sent such a telegram.^{c.} But contrary to HONJO's order, Pu-Yi was taken to Manchuria and put under the protective custody of the Kwantung Army. After the arrival of Pu-Yi, ITAGAKI sent a female spy by the name of KAWASHIMA, disguised in male attire, to take the ex-empress to Manchuria.^{d.}

HH-19. Since the final step was to obtain the consent of the Tokyo Government, ITAGAKI was sent to Tokyo by HONJO.^{a.} He was given an audience with the Emperor, during which he hinted that there would be a new ruler in Manchuria and the Japanese Army would take care of its national defense. KIDO, who recorded this in his diary, said he was quite astonished at the idea.^{b.}

ITAGAKI also explained the situation to the army authorities in Tokyo.^{c.} By so doing he had secured the approval

(HH-18. a. Ex. 2190-A, T. 15726-7 b. Ex. 2191, T. 15731-2
b. Ex. 2196, T. 15739-41 c. Ex. 3316, T. 30280)
c. T. 30381
d. Ex. 303, T. 4401)

(HH-19. a. T. 18998)

of the central authorities to go ahead, as he claimed
 1 that as a result of his explanation the army authorities
 2 "understood" the new conditions in Manchuria.^{d.} This
 3 was also confirmed by KATAKURA.^{e.}

4 HH-20. Upon his return HONJO ordered him to
 5 see Pu-Yi.^{a.} Pu-Yi at first refused to become the head
 6 of the new state because ITAGAKI demanded that Japanese
 7 should be employed as Manchurian officials.^{b.} ITAGAKI
 8 himself also stated in his direct examination that he
 9 failed to obtain Pu-Yi's acceptance. It was an advisor
 10 of Pu-Yi who prompted him to report to HONJO that Pu-Yi
 11 had agreed to accept.^{c.} According to Pu-Yi, ITAGAKI
 12 told his advisors threateningly that in case of Pu-Yi's
 13 refusal the Kwantung Army would take drastic actions.^{d.}
 14 Then ITAGAKI went back to Mukden and completed the
 15 preparations for the establishment of "Manchukuo".
 16 After this he visited Pu-Yi once again, and Pu-Yi
 17 allegedly consented to become the Regent of "Manchukuo".
 18 ITAGAKI explained that such was the request made by the
 19 Chinese puppets themselves, but even if this should
 20 be granted to be true it was not the Chinese puppets
 21 who persuaded Pu-Yi. ITAGAKI in his testimony admitted

22 (HH-19. d. T. 30279-80

23 e. T. 19003)

24 (HH-20. a. Ex. 3316, T. 30284

25 b. T. 3962

c. T. 30282

d. T. 3964-7)

1 in substance that he alone communicated with Pu-Yi and
 2 reported the result, not to the Chinese puppets, but
 3 to the Commander-in-Chief HONJO.^{e.}

4 IV. CONTROL OF MANCHUKUO.

5 HH-21. Having initiated the conspiracy, having
 6 carried out the military aggression, and having created
 7 a puppet state with a titular head, ITAGAKI remained
 8 in the Kwantung Army to exert his control over Man-
 9 churia. Pu-Yi testified that ITAGAKI was a powerful
 10 man.^{a.} Pu-Yi stated that as he was in the hands of the
 11 Japanese, he had no freedom of speech, and whatever
 12 statement he made was dictated by ITAGAKI. At the time
 13 of the interview with the Lytton Commission it was
 14 ITAGAKI who, directly or indirectly, told him what to
 15 say at the interview, and this was true of all inter-
 16 views.^{b.}

17 HH-22. Pu-Yi also testified that ITAGAKI was
 18 a staunch supporter of the Concordia Society, which was
 19 established for the control of Manchukuo.^{a.} Defense
 20 witnesses YAMAGUCHI and OZAWA both denied that ITAGAKI
 21 had any connection with this society, but the Decennial
 22 Year Book of the Concordia Society definitely shows that
 23 he was one of its committee members.^{c.}

24 (HH-20. e. T. 30283-4) (HH-22. a. Ex.731-A, T.7606
 25 (HH-21. a. T. 3977 b. T. 4134; T. 4136
 b. T. 4045) c. T. 1885; T. 30077)

1 HH-23. The Kwantung Army was given the author-
 2 ity and a detailed outline for the guiding of Manchukuo,^{a.}
 3 and there is ample evidence to show that Manchukuo was
 4 completely dominated by the Japanese.

5 HH-24. During all this time until 1937 ITAGAKI
 6 had never left the Kwantung Army, serving successively
 7 as its Vice Chief of Staff and Chief of Staff.^{a.} He
 8 virtually admitted that he was in charge of personnel
 9 matters concerning Japanese officials in the Manchukuo
 10 Government.^{b.} In addition he was connected with the
 11 narcotic traffic too. TANAKA testified that the Army
 12 Special Service Organ, under DOHIHARA, was in charge
 13 of opium traffic. Later on, ITAGAKI, together with
 14 MINAMI and TOJO, made an effort to set up the Opium
 15 Monopoly Bureau.^{c.} MINAMI admitted that one of the
 16 reasons why it was taken away from the Special Service
 17 Organ was that it was running the opium traffic for
 18 its own profits.^{d.} After the establishment of the Opium
 19 Monopoly Bureau the League of Nations Committee reported
 20 that in Manchukuo more opium was grown and sold. This
 21 constituted an increased source of revenue for the
 22 puppet state.^{e.}

23 (HH-23. a. Ex. 230, T. 2903-11)

24 (HH-24. a. Ex. 110, T. 716

b. T. 15856-8

25 c. Ex. 383, T. 4711-3

d. T. 30289-90

e. T. 19975-6)

V. INNER MONGOLIA, NORTH CHINA AND ALL CHINA

1 HH-25. On December 10, 1934 ITAGAKI was pro-
2 moted Deputy Chief of Staff of the Kwantung Army.^{a.}

3 Elevated to a more powerful position, he used Manchuria
4 as a base for the furtherance of aggression against
5 the rest of China as the conspiracy gradually developed.
6 The objectives were Inner Mongolia and North China
7 at the same time, and the whole of China later on.
8

9 HH-26. As soon as he assumed the post the
10 Kwantung Army, on January 24, 1935, charged the Chinese
11 troops in Chahar Province with intrusion into Manchuria.^{a.}

12 In May 1935 the Kwantung Army sent TANAKA, Ryukichi,
13 to see Prince Teh, a Mongolian leader, and to urge
14 him to establish autonomy there.^{b.} Naturally, Prince
15 Teh could not easily accept the inducement while the
16 Chinese troops were still around. In June, when four
17 Japanese army officers were alleged to have been de-
18 tained and insulted by the Chinese at Chang-pei, the
19 Kwantung Army presented severe demands. KAWABE testi-
20 fied that the aim was to extend the scope of the demil-
21 itarized zone to the Province of Chahar. Since
22 DOHIHARA was in charge of intelligence in that area,
23

24 (HH-25. a. Ex. 110, T. 716)

(KH-26. a. Ex. 2489, T. 20754

b. T. 2040-2)

25

he was sent to negotiate.^{e.} As a result of the negotiations, the Chinese on June 27, 1935 agreed to withdraw their army from that area and prohibit anti-Japanese activities in the whole Province of Chahar.^{d.} Once the Chinese authority was removed the way was open for the Kwantung Army to flirt with its Mongolian puppet. Two months later, in August 1935, Prince Teh promised to cooperate closely with Japan, and the Kwantung Army extended financial aid to him. On February 11, 1936 the Inner Mongolian Autonomous Council was removed to West Sunito, a place where the Japanese could exert more effective control, and Japanese civilians were sent there as advisers.^{e.} Soon afterwards an independent Mongolian Government was established in secrecy, and it signed an agreement with Manchukuo.^{f.}

HH-27. ITAGAKI was promoted the Chief of Staff of the Kwantung Army on March 23, 1936.^{a.} Five days later he had a talk with Ambassador ARITA concerning the importance of Mongolia to Japan and Manchuria. In consistency with the aggression against both China and U.S.S.R., he said "If Outer Mongolia is combined with Japan and Manchuria, the Soviet territory in the Far East will fall into a very dangerous condition."^{b.}

(HH-26. c. T. 20755
d. T. 2313
e. T. 2042
f. T. 2042;

(HH-27. a. Ex. 110, T. 716
b. Ex. 761-A, T. 7829-7831)

Ex. 212, T. 2705-7)

1 HH-28. The aggression against Inner Mongolia
2 was a flank movement while the main front was, of
3 course, North China. In May 1935, the Japanese Gar-
4 rison Army in North China was pressing hard on the
5 Chinese authorities. ITAGAKI, the then Deputy Chief
6 of Staff of the Kwantung Army, lent his support. He
7 held the opinion that instead of the diplomats, the
8 army people should take the lead in conducting negoti-
9 ations with China. In fact, he was already using
10 the South Manchuria Railway people and the Japanese
11 Army in North China to exert pressure on China. ^{c.} As
12 a result of such pressure, the so-called Ho-UMIZU
13 agreement came into being in June 1935, which clearly
14 weakened the authority of the Chinese Government in
15 North China. To follow up, MINAMI sent DOHIHARA to
16 North China in September 1935 to set up an autonomous
17 regime there as a buffer state. ^{b.} In order to have
18 a pretext, ITAGAKI and DOHIHARA studied the matter
19 and decided to use anti-communism as the slogan. ^{c.}
20 This is confirmed not only by TANAKA, who drafted the
21 order to DOHIHARA, but actually by the fact that two
22 months later in the demilitarized zone was establish-
23 ed the so-called Eastern Hopei Anti-Comintern
24

25 (HH-28. a. Ex. 2192, T. 15734
b. T. 2028
c. T. 3121-2)

Autonomous Council, independent of the Chinese Government.^{d.}

HH-29. Eastern Hopei was only a part of North China and the conspirators were not so easily satisfied. On November 19, DOHIHARA demanded that the Chinese Hopei-Chahar Political Council itself should become autonomous.^{a.} He threatened that the Kwantung Army would invade North China if the demand was refused,^{b.} and the land and air forces of the Kwantung Army were actually mobilized. Under cross-examination,^{c.} ITAGAKI at first tried to deny this, just as MINAMI did under similar circumstances.^{d.} But when confronted with the mobilization orders issued by the Army Commander, ITAGAKI had to admit that they were the ones issued at that time. Troops were ordered to be prepared outside of the Great Wall for an advance into North China; the air force was ordered to get ready for action over Peiping and Tientsin areas.^{e.} Moreover, the Chief of Staff of the Kwantung Army, to whom ITAGAKI was the Deputy, issued on December 9, 1935, a propaganda plan.^{f.} It was to convince the world, ironically, of the lawfulness of the aggression (HH-28. d. Ex. 210, T. 2702-4)

(HH-29. a. T. 2315-6

b. T. 29543; T. 29545

c. T. 30389

(HH-29. d. T. 19996

e. Exs. 3317A; 3318A

T. 30392-4

f. Ex. 195, T. 2277)

1 against North China. It was designed to launch the
2 propaganda to prepare the ground for and to facilitate
3 the military campaign.

4 HH-30. Again such a bold attempt caused
5 great concern in the Tokyo government. GOTO testified
6 that the OKADA Cabinet experienced difficulties with
7 the army, and he mentioned specifically ITAGAKI of
8 the Kwantung Army.^{a.}

9 HH-31. The successive aggressions against
10 Inner Mongolia and North China finally precipitated
11 the outbreak of an all-out war against China on a
12 large scale in July 1937. ITAGAKI was then the
13 Commander-in-Chief of the Fifth Division in Japan,
14 but he was also attached to the Army General Staff
15 shortly before the war.^{a.} He was sent out to the battle
16 front in North China. Defense witness KOKUBU testified
17 that ITAGAKI was an authority on China and having spent
18 many years in China he had great affection towards
19 the Chinese people.^{b.} His affection, however, could
20 be ironically demonstrated by his talk with the witness
21 Goette, then a correspondent, that the Japanese forces
22 in North China might turn south toward the Yellow River
23 in Central China.^{c.}

24 (HH-29. g. T. 2279) (HH-31. a. Ex. 110, T. 716.
25 b. T. 30083
c. T. 3784)
(HH-30. a, T. 1639-40)

VI. WAR MINISTER - 1938 to 1939.

1 HH-32. As the war against China went on,
 2 ITAGAKI was appointed War Minister in the KONOYE
 3 Cabinet after its reorganization in May 1938. His
 4 witness FURUNO testified that ITAGAKI was chosen
 5 because ITAGAKI favored a complete withdrawal of
 6 Japanese troops from China.^{a.} But FURUNO had to admit
 7 that after ITAGAKI became War Minister, the war was
 8 intensified.^{b.} ITAGAKI admitted that as soon as he
 9 assumed office he believed the attack upon Hankow was
 10 unavoidable.^{c.}
 11

12 HH-33. He admitted that he as the War Minister
 13 occupied a very important position in the Five Ministers
 14 Conference in discussing the war situation. He also
 15 admitted that the policies adopted by this Conference
 16 were in conformity with his views.^{a.} Between June and
 17 October 1938, the Conference made successive decisions
 18 of the utmost importance. On July 8, 1938, it was
 19 decided that if the Chinese should surrender, the
 20 Japanese terms would be the retirement of Chiang Kai-
 21 shek and the merger of the Chinese National Government
 22 into the pro-Japanese-Manchukuo new central government.
 23 It was further decided that if the Chinese should re-
 24 fuse to surrender, more strategic points would be
 25

(HH-32. a. T. 30088-9 (HH-33. a. T. 30414)
 b. T. 30090
 c. Ex. 3316, T. 30300)

1 occupied, various regimes would be strengthened until
 2 a new central Chinese Government could be set up, and
 3 every effort, including propaganda and financial
 4 tactics, should be made to bring about the destruc-
 5 tion of the present National Government of China. On
 6 July 15, 1938, the Conference laid down the policy
 7 for the establishment of a new central government
 8 in China. While the National Government of Chiang
 9 would be reduced to a local regime, the new central
 10 government would be supervised by Japan in military
 11 affairs, foreign relations, economics, religion and
 12 education, with the help of Japanese advisers and
 13 officials in that government. In yet another decision
 14 by this same Conference, Japan would cause Britain
 15 to give up her policy of aiding Chiang, while declin-
 16 ing British offer of mediation in the Sino-Japanese
 17 war.
 18

19 HH-33a. UGAKI, who testified for ITAGAKI,
 20 denied the authenticity of the document (exhibit
 21 No. 3457) which contains the decisions of the Five
 22 Ministers Conference by stating that any such documents
 23 held at the Foreign Office are not true originals
 24 unless they bear his signature.^{e.} It is to be pointed
 25 (HH-33. b. Ex. 3457, T. 37350.)
 (HH-33a. a. T. 38811)

out here that the prosecution does not contend the
1 document in question is an original copy. It is
2 sufficient to show that the document is part of the
3 official archives and files of the Foreign Office as
4 per attached certificate. Time and again documents
5 containing decisions of the Five Ministers Conference
6 have been introduced without meeting defense objec-
7 tions.^{b.} No question has been raised as to their
8 accuracy or authenticity.

9 HH-33b. UGAKI further denied that such
10 decisions had been reached because he, as Foreign
11 Minister at that time, was opposed to such views as
12 expressed in the decisions.^{a.} However his denials
13 were weak. He merely stated that such decisions
14 were improbable and that he could not remember them.^{b.}
15 But it is to be recalled that he made a report to the
16 Emperor on the China situation, the contents of which
17 were exactly the same as some of the decisions of the
18 Five Ministers Conference.^{c.} When asked whether some
19 of the decisions had been later submitted to and
20 adopted by the cabinet meeting of 16 August 1938, the
21 81 year old witness chose to tell the court that he
22 (HH-33a. b. T. 2727; T. 6731; T. 9549)

23 (HH-33b. a. T. 38811-3
24 b. T. 38811-2
25 c. Ex. 169)

had no recollection of such, instead of refuting them
altogether as he did before.^{d.} ITAGAKI himself refused
to admit these decisions under cross-examination.
However, not only the records of the Conference speak
for themselves, but the subsequent events clearly show
that the decisions made were invariably carried out in
earnest.

HH-34. At the same time, ITAGAKI openly
declared that Japan should be prepared for a long war
with China which might last ten years. He also stated
that Japan should be resolved against the interference
of third powers in China.^{e.} His opinion again found
its expression in an official declaration of the
Japanese Government on November 3, 1938, in which it
was stated that Japan would fight on until the Chinese
Government should be completely destroyed. It warned
other powers to change their attitude in order to fit
in with the new situation.^{b.}

HH-35. Indeed ITAGAKI meant what he said.
Both Hankow in Central China and Canton in South China
were occupied by the Japanese in October 1938. By
the joint decision of War Minister ITAGAKI and the
(HH-33b. d. T. 38829)

(HH-34. a. Ex. 2197, T. 15741-3.
b. Ex. 1291, T. 11695-7.)

1 Navy and Foreign Ministers, administrations were set
 2 up there immediately after the occupation for the pur-
 3 pose of giving political guidance to the local puppet
 4 regimes to be created and giving economic guidance to
 5 secure materials and other benefits for Japan. The
 6 administration should keep in close cooperation with
 7 the Special Commission on China Affairs headed by
 8 DOHIHARA.^{a.} On November 25, 1938, the decision was
 9 made to occupy the Hainan Islands, at the extreme
 10 southern tip of China.^{b.} It was captured on February
 11 10, 1939.^{c.} Up to December 12, 1938, the total number
 12 of Japanese troops ITAGAKI sent to China amounted to
 13 1,600,000.^{d.} Numerous atrocities were committed by
 14 the Japanese soldiers in China. They were so out-
 15 rageous that the Vice Minister of War under ITAGAKI
 16 had to issue a special order to the returned soldiers
 17 prohibiting them from revealing the truth as frankly
 18 cited in this order.^{e.}

19 HH-36. In spite of intensified war, China
 20 could not accept the peace terms which Japan demanded.
 21 ITAGAKI decided to join hands with important Chinese
 22 who possessed an order for "peace".^{f.} For that pur-
 23 pose, DOHIHARA, TSUDA, and FANZAI were sent to China
 24 (HH-35. a. Ex. 3741A, T. 37372; (HH-35. d. Ex. 3341,
 25 Ex. 3741B, T. 37376 T. 31392-3;
 b. Ex. 612, T. 6731. T. 31386.
 c. Ex. 613A, T. 6732. e. Ex. 3304,
 T. 30126-30)

(HH-36. Ex. 3316, T. 30307)

1 on a special mission.^{b.} It was named "Specail Com-
2 mission on China Affairs" under the direct control of
3 the Five Ministers Conference to work out important
4 strategies against China and to establish the new central
5 government in China. War Minister ITAGAKI and the Navy
6 Minister were in charge of the liaison between this
7 Special Commission on China Affairs and the Imperial
8 Headquarters.^c The purpose was to find out those
9 Chinese who desired "peace" and to secure their co-
10 operation with Japan if they were conceded to be the
11 best men for the job.^{d.} DOHIHARA was the responsible
12 member of this Commission who administered the entire
13 task and established an agency in China known as the
14 DOHIHARA Agency.^{e.}

15 THE PRESIDENT: We will adjourn until half
16 past one.

17 (Whereupon, at 1200, a recess was
18 taken.)
19
20
21

22 (HH-36. b. Ex. 3316, T. 30307;
23 T. 30429.
24 c. Ex. 3457, T. 37361-2
25 d. T. 30430-2.
e. T. 30433-4.)

S
p
r
a
t
t
&
D
u
d
a

AFTERNOON SESSION

1
2 The Tribunal met, pursuant to recess, at
3 1330.
4

5 MARSHAL OF THE COURT: The International
6 Military Tribunal for the Far East is now resumed.

7 THE PRESIDENT: Judge Hsiang.

8 JUDGE HSIANG: May it please the Tribunal, I
9 will continue reading on page 20.

10 HH-37. YAMAWAKI, the Vice-Minister of War
11 under ITAGAKI, testified that DOHIHARA worked on retired
12 Chinese leaders and ex-generals and frequently sent
13 communications to the War Ministry. Exhibit 3302 was
14 one of those communications in which DOHIHARA Agency
15 reported his manipulations of the Chinese puppets.
16 It was by no means a new type of diplomacy or strategy.
17 What the ITAGAKI-DOHIHARA team had performed in Manchu-
18 ria in the name of "independence" was now again put
19 into operation by the same team in other parts of China
20 in the name of "peace."
21

22 HH-38. ITAGAKI had another right-hand man in
23 the person of KAGESA, who was working for the creation
24 of a puppet Central Government in China by inducing as
25 its head an important member of the Chinese Government,
(HH-37. a. Ex. 3302, T. 30,109-16.)

1 namely, Wang Ching-wei. KAGESA made contacts
 2 with the agents of Wang and reported the plan to
 3 ITAGAKI.^{a.} ITAGAKI in turn submitted the plan to the
 4 Five Ministers Conference.^{b.} Having secured the consent
 5 of the Five Ministers, ITAGAKI ordered KAGESA to deliver^{c.}
 6 the Japanese terms to the agents of Wang in Shanghai.
 7 Wang accepted the offer. Accordingly, KAGESA informed^{d.}
 8 the Five Ministers Conference through ITAGAKI.

9 HH-39. From KAGESA's lengthy testimony, it
 10 was evident that Wang's flight from Chungking was a
 11 pre-arranged plan.^{a.} On December 18, 1938, Wang escaped
 12 to Hanoi in French Indo-China.^{b.} Immediately, KONOYE
 13 made an official statement on December 22, 1938, out-
 14 lining the basic policy of Japan with regard to a
 15 New China.^{c.} In response, Wang made a speech at Hanoi
 16 on December 29, 1938, advocating the acceptance of
 17 KONOYE's statement by China.^{d.}

18 HH-40. Wang's temporary residence at Hanoi
 19 in French Indo-China might be compared to Pu-Yi's
 20 protective custody at Yinkow inside Manchuria.
 21 Naturally the next step would be to install Wang as a
 22 titular head of the so-called New China, just as Pu-Yi
 23 (HH-38. a. T. 24,032. c. Ex. 2721A, T. 23979; T.24032-3.
 24 b. T. 24,031. d. T. 24037-8.
 25 HH-39. a. T. 24037-40.
 b. Ex. 2721A, T. 23980.
 c. Ex. 268, T. 3566-8.
 d. Ex. 2590, T. 22310.)

1 was made the puppet ruler of Manchuria. Preparatory
 2 to the establishment of a new puppet regime, the so-
 3 called National Salvation Anti-Comintern League was
 4 organized in Central China, while Wu Pei-fu in North
 5 China, on whom DOHIHARA had been working, was also
 6 urged to come forward. Ample funds were provided for
 7 both.^{a.} Such funds did not come from Japan at all but
 8 came from the surplus of the Chinese Maritime Customs
 9 Revenue which Japan had seized and appropriated.^{b.}

10 HH-41. In April 1939, ITAGAKI sent KAGESA
 11 to Hanoi with the specific assignment of getting Wang
 12 to Shanghai under Japanese protection.^{a.} ITAGAKI
 13 attempted to shift the responsibility upon the Five
 14 Ministers Conference instead of shouldering it himself
 15 alone. KAGESA testified that he went not only under
 16 ITAGAKI's orders but also with a personal letter from
 17 ITAGAKI addressed to Wang.^{c.} Wang was requested to go
 18 to Shanghai in order to carry out the so-called peace
 19 movement. ITAGAKI felt that a good opportunity was
 20 approaching.^{d.}

21
 22 HH-42. Wang was brought to Tokyo where he
 23 conferred with ITAGAKI and others.^{a.} The testimony of

24 (HH-40. a. Ex. 3608, T. 35281-3.
 b. Ex. 3744, T. 37396; Ex. 3743, T. 37393.
 25 HH-41. a. T. 24042-4. b. T. 30440.
 c. Ex. 2721A, T. 23970; T. 23976; T. 24054.
 d. Ex. 3316, T. 30314.

HH-42. a. T. 24099; Ex. 2585, T. 22254-70.)

KAGESA and the interpreter SHIMIZU was enough to show
 1 that Wang was free to act only within the limits set
 2 by the Japanese demands.^{b.} While Wang was in Tokyo,
 3 the Five Ministers Conference again decided on June 6,
 4 1939 upon a Policy for the Establishment of a New
 5 Central Government. This puppet system in China should
 6 be formed with a policy of "separate rule," as previously
 7 decided by the Imperial Conference on November 30, 1938.
 8 It should be guided as well as aided by Japan.^{c.}

9 HH-43. After Wang's visit to Tokyo, the
 10 China Affairs Board, of which ITAGAKI was one of the
 11 vice-presidents, drew up a tentative plan which was
 12 accepted by Wang on December 30, 1939.^{a.} To establish
 13 the puppet regime for all China, KAGESA continued to
 14 play a leading role behind the puppets.^{b.} The puppet
 15 regime under Wang was established in Nanking on
 16 March 30, 1940.^{c.}

18 HH-44. As it should be recalled, the original
 19 conspiracy was to keep Manchuria and to exploit it
 20 economically. The same was being applied to the occu-
 21 pied parts of China proper. A program for such in the
 22 name of economic development of China was officially

23 (HH-42. b. Ibid.

24 c. Ex. 3742, T. 37386.

25 HH-43. a. Ex. 2721-A, T. 24000.

b. T. 3858.

c. Ex. 276-A, T. 3701.)

1 decided in January, 1939.^{a.} A special kind of exploit-
 2 ation was similarly going on -- namely, the opium traffic^{b.}
 3 Evidence sufficiently shows that whatever was done in
 4 Manchuria in this traffic was now exactly repeated in
 5 the other occupied parts of China.

6 HH-45. As War Minister, ITAGAKI carried great
 7 weight in the Five Ministers Conference which, similar
 8 to a war cabinet, was to discuss the major problems.^{a.}
 9 As the exponent of the army's views, ITAGAKI was able
 10 to impose the demands upon the succeeding HIRANUMA
 11 Cabinet in January, 1939, in which he remained as War
 12 Minister. The demands were that the "Holy War" against
 13 China should be continued, that Japan should expand
 14 her armament and mobilize her resources and that the
 15 relations with Nazi Germany and Fascist Italy should
 16 be strengthened.^{b.}

17
 18 HH-46. Consistent with this policy while
 19 ITAGAKI was the War Minister, Japan severed all rela-
 20 tions with the League of Nations but still kept to her-
 21 self the Mandated Islands in the Pacific.^{a.} During the
 22 same period, Japanese Army launched undeclared and
 23 aggressive attacks in the Changkufeng area (1938) and

24 (HH-44. a. Ex. 461-A, T. 5267-77.
 25 b. Ex. 418, T. 4867-8.)

HH-45. a. T. 30413.

b. Ex. 3303, T. 30120-2.

HH-46. a. Ex. 271, T. 3641-8.)

the Nomonhan area (1939) against Soviet and Mongolian troops. In both cases ITAGAKI himself claimed that he was in favor of keeping tranquil relations with the U.S.S.R.,^{b.} YANAWAKI testified that ITAGAKI confided to him as Vice-Minister of War that the U.S.S.R. was the primary objective.^{c.} In fact the idea of attacking the Nomonhan area was conceived by ITAGAKI as early as 1936, when in a conversation with Ambassador ARITA he stated to the latter "if Outer Mongolia be combined with Japan and Manchukuo, Soviet territory in the Far East will fall into a very dangerous condition."^{d.} He was able to put his plan into action when he became War Minister.

HH-47. At the time of the Changkufeng Incident, ITAGAKI asked for the permission to use force. Although the then Foreign Minister UGAKI denied that armed forces were to be used against the U.S.S.R., he had to admit that he agreed with ITAGAKI that preparations should be made.^{a.} Subsequently when ITAGAKI reported to the Emperor that the Foreign Minister had agreed to employ armed forces against the U.S.S.R., he was severely reprimanded by the Emperor.^{b.}

(HH-46. b. T. 30304.
c. T. 30104-6.
d. Ex. 761-A, T. 7831.
HH-47. a. T. 23884-9.
b. Ex. 3793-A, T. 37754-7.)

HH-48. In 1939 when the Nomonhan Incident occurred, ITAGAKI again voiced the opinion that hostilities should be allowed to continue against the desire of Prime Minister HIRANUMA.^{a.} Simultaneously, the Japanese Mongolian Army was strengthened and expanded. It was to defend Mongolia under the control of the Japanese.^{b.}

HH-49. The U.S.S.R. was by no means the only objective in ITAGAKI's mind.. He confided to YAMAWAKI^{a.} that Britain and France might be the next objectives. In fact, he openly declared his belief at the Diet that in order to establish the so-called New Order, conflict with third powers was inevitable.^{b.} On July 7, 1939, the second anniversary of the outbreak of the war against all China, ITAGAKI gave a press interview in which he said that Japan's mission of constructing a New Order in East Asia would necessitate the stamping out of interference by other powers.^{c.}

HH-50. In order to carry on the war with China, to prepare further aggression against the U.S.S.R. and to regard the other powers in the Far East as next in line, it naturally followed that the conspirators

(HH-48. a. Ex. 768-A, T. 7853-6.

b. Ex. 274, T. 3688-9.

HH-49. a. T. 30104.

b. Ex. 2200, T. 15746-8.

c. Ex. 2201, T. 15748-51.)

1 should seek an alliance with their fellow gangsters
 2 in Germany and Italy. The Five Ministers Conference
 3 in 1938 laid down the decision to negotiate with Germany^{a.}
 4 for an extensive agreement as advocated by the army.
 5 When Hitler succeeded in seizing a part of Czechoslo-
 6 vakia, ITAGAKI on October 2, 1938, sent his congratu-
 7 lations.^{b.} In the next month, Japan and Germany concluded^{c.}
 8 a Cultural Pact. It was a political action that ulti-
 9 mately led to a pact with Germany and to war.^{d.} On
 10 May 8, 1939, in a press interview, ITAGAKI declared that
 11 it was a welcome fact that Germany and Italy had bound
 12 themselves together by military alliance to maintain
 13 peace and to build up a New Order in Europe. He also
 14 hinted that in accordance with the deep-rooted spirit
 15 of the Anti-Comintern Pact, Japan might join the mili-
 16 tary alliance of the Axis Powers.^{e.} Later on, according
 17 to KIDO, the army was insisting on a military alliance
 18 with Germany to be concluded as soon as possible. In
 19 case of non-compliance with the army's views, War
 20 Minister ITAGAKI would resign and thereby bring about
 21 the fall of the entire cabinet.^{f.}

22 HH-51. From the very outset, ITAGAKI was in
 23 favor of a military alliance with Germany against all
 24

25 (HH-50. a. Ex. 780, T. 7909-10. d. T. 6577.
 b. Ex. 2199, T. 15745. e. Ex. 2214, T. 15815-6.
 c. Ex. 589, T. 6573-7. f. Ex. 2271, T. 16237.)

the western European Powers. He did not submit to

the Emperor's wish to have the pact directed strictly

against the U.S.S.R. alone.^{a.} Throughout the entire

negotiations conducted by OSHIMA and SHIRATORI, ITAGAKI

consistently lent his support in every turn. He covered

up the arbitrary actions of Ambassadors OSHIMA and

SHIRATORI against the charge of the Emperor.^{b.} He

fought hard in the cabinet against opposition to the

realization of an extensive alliance with Germany.^{c.}

Although the military alliance was not materialized

in 1939 because of the conclusion of the Soviet-German

Pact in August, ITAGAKI pointed out to the German

Ambassador Ott "his most sincere efforts on behalf of

the close German-Japanese connection, which had failed

as a consequence of European developments."^{d.}

VII. Waging War in China and in the Pacific.

HH-52. In September 1939, when the various Japanese units in China were placed under the unified command of the newly established headquarters in Nanking, ITAGAKI was appointed its Chief of Staff. There he lent his support to the puppet government under Wang

(HH-51. a. Ex. 3795-B, T. 37767-8.

b. Ex. 3798-B, T. 37781-4.

c. Ex. 3800, T. 37808-9; Ex. 3801-A, T. 37811-2;

Ex. 3801C, T. 37822-4; Ex. 3803-B, T. 37828-9;

Ex. 3804B, T. 37836-7; Ex. 3807-A, T. 37846-7.

d. Ex. 2198, T. 15744.)

and to Wang's movement for the so-called peace.^{a.} Again
 1 the relationship between the Japanese Expeditionary Forces
 2 in China and the Wang regime could be exactly compared
 3 to the relationship between the Kwantung Army and "Man-
 4 chukuo." The intrigue to secure more Chinese puppets
 5 and to divide the Chinese among themselves was continued
 6 by ITAGAKI.^{b.}

7 HH-53. In July 1941, ITAGAKI was transferred
 8 to the Command of the Korean Army where he remained until
 9 April 1945.^{a.} In that position he seemed to be less
 10 active, but judging from his opinions, ideas and schemings
 11 in the past, he was certainly not free from the respon-
 12 sibility for the outbreak of the Pacific War, which in
 13 every respect was an outcome of the over-all conspiracy
 14 in which ITAGAKI had played a most active part. His du-
 15 ties in Korea might have been less colorful, but cer-
 16 tainly it was equally sinister, if not more so. He re-
 17 quested that 1,000 American and British POW's be sent
 18 to Korea in order to achieve a psychological effect
 19 upon the Koreans by humiliating the Allies in the eyes
 20 of the Koreans. Numerous atrocities were committed
 21 in the POW camps under his command.^{b.} These were admitted

23 (HH-52. a. Ex. 3316, T. 30318-9.

24 b. T. 30150-1.

25 HH-53. a. Ex. 110, T. 717.

b. Ex. 1973-4, T. 14512-4.)

1 to be true by his own witness IHARA, in spite of his
 2 contention that careful attention was directed to the
 3 POW's in accordance with law.^{c.} Such contention is
 4 directly contradictory to the contents of a report which
 5 ITAGAKI sent to TOJO, the then Premier, in September
 6 1942, outlining the labor provisions of the POW's in
 7 Korea.^{d.}

8 HH-54. In April 1945, ITAGAKI was transferred
 9 to become the Commander of the Seventh Army in the
 10 South Seas.^{a.} HAZIYAMA testified that ITAGAKI as a
 11 local commander had limited control over the POW's
 12 there.^{b.} He further explained that the illtreatment of
 13 the POW's was due to the shortage of supplies as com-
 14 munications were harassed by the war.^{c.} AYABE claimed
 15 that ITAGAKI insisted on sending rations to the POW's
 16 in spite of the strong public opinion against it.^{d.}
 17 Such testimony was directly contradicted by the over-
 18 whelming evidence with regard to POW's in South Sea
 19 areas.^{e.}

21 (HH-53. c. T. 30166-7.

22 d. Ex. 1976, T. 14531-8.

23 HH-54. a. Ex. 110, T. 717.

24 b. T. 30197.

25 c. T. 30202.

d. T. 30219.

e. Ex. 1614; 1617-22; 1655-8; 1668-75; 1686;
 1691; 1712; 1720-2; 1758-9; 1769; 1778;
 T. 5418-9; B. 13471; T. 13573; T. 13756.)

VIII. Conclusion.

1 HH-55. As one of the original conspirators
2 and as one of the most active leaders both in the army
3 and in the government of Japan, ITAGAKI consistently
4 initiated aggression and committed crimes against peace
5 and crimes against humanity.

6 It is respectfully submitted that evidence
7 introduced by the prosecution substantiates every count
8 of the Indictment under which he is charged.

9 Count 1 is substantiated by paragraphs 1-54.

10 Count 2 is substantiated by paragraphs 1-24.

11 Count 3 is substantiated by paragraphs 25-45.

12 Count 4 is substantiated by paragraphs 46-49.

13 Count 5 is substantiated by paragraphs 50-51.

14 Count 6 is substantiated by paragraphs 1-45.

15 Counts 7-16 are substantiated by paragraphs 46
16 and 49-51.

17 Count 17 is substantiated by paragraphs 46-51.

18 Count 18 is substantiated by paragraphs 1-12.

19 Count 19 is substantiated by paragraphs 25-31.

20 Count 23 is substantiated by paragraphs 49-51.

21 Counts 25-26 are substantiated by paragraphs
22 46-48.

23 Count 27 is substantiated by paragraphs 8-12.

24 Count 28 is substantiated by paragraphs 31-45.
25

1 Counts 29-34 are substantiated by paragraphs
2 53-54.

3 Counts 35-36 are substantiated by paragraphs
4 46-48.

5 Counts 45-47 are substantiated by paragraphs
6 53-54.

7 Counts 51-52 are substantiated by paragraphs
8 46-48.

9 Counts 54-55 are substantiated by paragraphs
10 32-35, particularly paragraph 35.

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

1 If it please the Tribunal, Mr. Wiley will
2 continue for the prosecution.

3 THE PRESIDENT: Mr. Wiley.

4 MR. WILEY: KAYA, Okinori.

5 PART I.

6 The Indictment charges the defendant KAYA
7 with the following:

8 Group 1: Crimes against peace.

9 Counts 1 to 17 inclusive.

10 Counts 19 to 34 inclusive, excepting Counts
11 23, 25, 26 and 33.

12 Group 2: Murder. Counts 37 to 47 inclusive.

13 Group 3: Conventional War Crimes and Crimes
14 against humanity. Counts 53 to 55 inclusive.

15 II-1. In summarizing and commenting on the
16 evidence concerning the defendant KAYA, his activities
17 are divided in four time classifications:

18 A. First Period:

19 Those years prior to his serving as Finance
20 Minister in the First KONOYE Cabinet which start
21 March 17, 1917, the date of his entrance in government
22 service, and end June 4, 1937.

23 B. Second Period:

24 His tenure as Finance Minister in the First
25 KONOYE Cabinet, commencing June 4, 1937 and ending

May 26, 1938.

1 C. Third Period:

2 The time elapsing between his departure from
3 the Finance Ministry in the First KONOYE Cabinet on
4 May 26, 1938 and the starting of his service as
5 Finance Minister in the TOJO Cabinet on October 18,
6 1941.

7 D. Fourth Period:

8 His tenure as Finance Minister in the TOJO
9 Cabinet, from October 18, 1941 to February 9, 1944,
10 and up to date of surrender.

11 A. FIRST PERIOD.

12 II-2. With one or two exceptions, no one
13 in the prisoners' dock has had a more active and sus-
14 tained service with the Japanese Government than has
15 the defendant KAYA. These government activities
16 started upon his graduation from the Imperial Univer-
17 sity, where he majored in law and minored in political
18 science. In 1917 he became an employee of the govern-
19 ment in the Finance Ministry. He retained that em-
20 ployment with the Finance Ministry, gradually and
21 normally reaching the top of his career. He became
22 Finance Minister June 4, 1937, in the First KONOYE
23 Cabinet, and again assumed that post in the TOJO
24 Cabinet October 18, 1941.
25

1 II-3. The evidence shows that although his
2 services with the government were limited chiefly to
3 the financial field, other appointive responsibilities
4 were assumed by him which gave him a day by day pic-
5 ture of what was going on within all of the various
6 governmental circles. From 1917 to June 4, 1937, the
7 defendant KAYA held not less than 90 governmental
8 appointive positions in various activities. a.

9 II-4. In the foreign field in 1917 to 1920,
10 he served the Finance Ministry in United States and
11 Europe. In 1927 he was in attendance at the Geneva
12 Conference as Acting Secretary to the Finance Minister,
13 and in 1929 he was an attendant to the plenipoten-
14 tiaries at the London Naval Conference. In 1934 he
15 was a member of the Opium Committee. In 1936, he was
16 a counselor of the Manchurian Affairs Committee and
17 took part as a member of the Colonization Plan In-
18 vestigating Committee for Hokkaido, and as a member
19 of the Overseas Colonization Committee.

20 II-5. During the years preceding his ap-
21 pointment as Finance Minister, KAYA saw the Ministry
22 of War budget increased from 1931 to 1937, from
23 247,000,000 yen slowly but surely to 515,000,000 yen
24 by 1936, and a like increase in the budget for the
25 II-3. a. Ex. 111, T. 722.

1 II-3. The evidence shows that although his
2 services with the government were limited chiefly to
3 the financial field, other appointive responsibilities
4 were assumed by him which gave him a day by day pic-
5 ture of what was going on within all of the various
6 governmental circles. From 1917 to June 4, 1937, the
7 defendant KAYA held not less than 90 governmental
8 appointive positions in various activities. a.

9 II-4. In the foreign field in 1917 to 1920,
10 he served the Finance Ministry in United States and
11 Europe. In 1927 he was in attendance at the Geneva
12 Conference as Acting Secretary to the Finance Minister,
13 and in 1929 he was an attendant to the plenipoten-
14 tiaries at the London Naval Conference. In 1934 he
15 was a member of the Opium Committee. In 1936, he was
16 a counselor of the Manchurian Affairs Committee and
17 took part as a member of the Colonization Plan In-
18 vestigating Committee for Hokkaido, and as a member
19 of the Overseas Colonization Committee.

20 II-5. During the years preceding his ap-
21 pointment as Finance Minister, KAYA saw the Ministry
22 of War budget increased from 1931 to 1937, from
23 247,000,000 yen slowly but surely to 515,000,000 yen
24 by 1936, and a like increase in the budget for the
25 II-3. a. Ex. 111, T. 722.

1 Ministry of the Navy -- that out of the total govern-
2 mental budget for the year 1936, approximately
3 48% of same was being used to satisfy the demands of
4 the War and Navy Department. a.

5 II-6. YUKI, Toyotaro, Finance Minister from
6 February 2, 1937 to June 4, 1937, resolved to check
7 the increase in the military budget which had been
8 approved by his predecessor, BABA, and therefore
9 appointed KAYA as Vice Minister to assist in combating
10 the military. The military, because of its power,
11 had its budget established. "KAYA rendered every
12 assistance" and secured the agreement of the army not
13 to spend 46,000,000 yen. This cut was a mere fraction. a.

14 II-7. With this background of failure to
15 curtail the Navy and Army budget increases and expendi-
16 tures, KAYA entered the First KONOYE Cabinet as Finance
17 Minister. Was this prompted by a belief on his part
18 that he would be successful in the future in curbing
19 the demands and control of the military? His prede-
20 cessor had failed. Or was it prompted by other reasons,
21 reasons that we feel asserted themselves again on
22 October 18, 1941, when TOJO sought his assistance and
23 guidance in his cabinet as Finance Minister?

24 II-5. a. T. 8540-41.

25 II-6. a. Ex. 3322, T. 30551-5.

1 II-8. The days immediately preceding the
 2 First KONOYE Cabinet were momentous ones. Policies
 3 were formed and made that reached far into the future,
 4 and KAYA as Chief of the Finance Bureau and Vice-
 5 Minister of Finance must have known of their making
 6 and their import. The Anti-Comintern Pact had been
 7 approved and was in operation.^{a.} In June 1937, there
 8 was drawn up the Five-Year Program of Important In-
 9 dustries,^{b.} followed by the outline of the Five-Year
 10 Plan for Production of War Materials.^{c.} In Manchuria,
 11 "incidents" were occurring which brought the Japanese
 12 military deeper into North China. Demands for manpower
 13 and finance from the homeland were constantly growing.^{d.}
 14 and the military were foisting their political and
 15 economic philosophies on the peoples of North China.^{e.}

16 B. SECOND PERIOD.

17 II-9. On June 4, 1937, KAYA entered the First
 18 KONOYE Cabinet. With him in the cabinet was the mili-
 19 tary clique he contends he opposed concerning military
 20 budget appropriations. There were SUGIYAMA, War
 21 Minister; KOTOHITO, Army Chief of Staff; IMAI, Army
 22 Vice-Chief of Staff; UMEZU, Army Vice-Minister;
 23 USHIROGU, Chief of the Military Bureau, and TOJO,
 24

25 II-8. a. T. 5900-4. d. T. 3362.
 b. T. 8269. e. T. 2315.
 c. T. 8261.

1 Chief of Staff of the Kwantung Army; and identical
 2 personnel from the Navy Ministry in the previous
 3 cabinet. KAYA knew the militarists were in control
 4 and that it was impossible to curtail their demands
 5 for increased appropriations to carry out their
 6 program. Knowing this full well, he accepted the
 7 post of Finance Minister.

8 II-10. In February 1936, Japan began a series
 9 of financial programs, emphasizing state control of
 10 economy.^{a.} Stockpiles of oil reserves in 1937 were
 11 of tremendous proportions.^{b.} Coal, normally a product
 12 for export, was labeled for home consumption, and
 13 plans were made for expansion of the coal output.^{c.}
 14 Heavy industry was established in Manchukuo.^{d.} Japan's
 15 economy was on the move -- her armies were on the move.
 16 In July 1937, her army struck at Lukuechiao (Marco
 17 Polo Bridge),^{e.} and on July 11, 1937, the Cabinet
 18 decided to send a larger army to North China,^{f.} which
 19 KAYA approved and which meant a revision upward in the
 20 then over-increasing expenditures. This was the be-
 21 ginning of the Sino-Japanese War. The Japanese con-
 22 tinued southward and invaded Shanghai in August 1937,^{g.}

24 II-10. a. T. 8543. e. T. 3761.
 25 b. T. 8292. f. Ex. 260, T. 3487.
 c. T. 8296. g. T. 3377.
 d. Ex. 239, T. 2960.

and Nanking in December 1937.^{h.} On December 12, 1937,
 the U. S. S. Panay was sunk.^{i.} Further aggressions in
 China by Japanese Armies continued until 1945.^{j.}

II-11. The national budget increased from
 ¥2,500,000,000 in 1936 to over ¥5,500,000,000 in 1937,
 of which the army and navy used approximately 78% to
 carry on their aggressive activities. The national
 budget for the year 1938, when KAYA was Finance
 Minister, was in excess of ¥8,000,000,000, approxi-
 mately 70% of which was to be used by the army and
 navy.^{a.}

II-12. Witness ISHIBASHI stated that after
 July 1937, there was a "complete change in the financial
 state of affairs. It was no longer aimed at 'reflec-
 tion,' but entered completely into a state of de
 facto war. The Emergency Military Special Account
 was established, and financial expenditures rapidly
 expanded."^{a.}

II-13. KAYA stated with respect to his
 activities during this period, "I was occupied with
 the difficult task before me and I did not dream about
 a preparation for a future war."^{a.} He did, however,

II-10. h. T. 3378; i. T. 3466; j. 3430.

II-11. a. T. 8541-42.

II-12. a. Ex. 2841, T. 25428.

II-13. a. Ex. 3337, T. 30642.

1 find time to go before his people and make speeches
2 and also write articles in an effort to justify his
3 actions as well as the decisions of the cabinet. He
4 never condemned the increasing activities and control
5 of the military.

6 II-14. The statement in his affidavit that
7 he did not dream about a preparation for a future war
8 is only one of many deliberate lies he told on the
9 stand. His speeches to the Diet, at public gather-
10 ings and on the radio and in his written articles
11 at the time these war decisions were made to put
12 Japan's economy on a war-time basis establish his
13 guilt as an active and willing conspirator.

14 II-15. On October 26, 1937, KAYA stated that
15 the China Incident was actually a war between Japan
16 and China, and that Japan should make adequate prepa-
17 ration not only in the way of military force but also
18 in the way of all spheres, including thought, diplomacy,
19 finance and economy. He pointed out, "We shall be able
20 to afford at least ¥20,000,000,000 in war expenditures
21 at present -- the first thing to be done is to meet the
22 military demands of the army and the navy." This state-
23 ment was made by KAYA in a speech entitled "Armed
24 War and the War of Economy,"^{a.} which is part of a
25 II-15. a. Ex. 3338A, T. 30667-70.

1 collection of KAYA's speeches and articles compiled
 2 by his former private secretary and appears under the
 3 title, "War-time Economic Life," published in 1938.^{b.}

4 This speech shows that he not only dreamed about war
 5 but also did his utmost to alert his people as to the
 6 economic measures that must be taken to prosecute the
 7 war. To show that he did not underestimate his own
 8 part in this total war preparation, KAYA stated that
 9 "economic war, in particular, is that most important
 10 factor which brings war to a successful end."^{c.}

11 II-16. "Preparation for a Protracted War."^{a.}

12 is an excerpt from the same book, dated April 12, 1938.
 13 This is an appeal to the people, showing the loyalty
 14 and courage of the soldiers fighting in China and
 15 their need for new and modern materials and equipment.
 16 KAYA stated that the budget for 1938 will be
 17 ¥8,000,000,000 and that "one year from now we must
 18 issue more than ¥5,000,000,000 of government bonds.
 19 Success or failure of the war-time policies regarding
 20 finance and economy depend solely upon whether the
 21 bonds will be absorbed satisfactorily or not."^{b.}

23 II-15. b. Ex. 3338, T. 30665.

c. Ex. 3338C, T. 30676.

24 II-16. a. Ex. 3338B, T. 30673-4.

b. Ex. 3338C, T. 30676.

25

L
e
f
f
e
r
&
W
o
l
f

1 II-17. Another excerpt from the same book,
2 "Women Behind the Gun"^{a.}, tells how the women are
3 to help and what is expected of them, and gives
4 much attention to the spiritual side of the nation
5 in sponsoring the National Spiritual Mobilization
6 Law. This is dated December 13, 1937. These articles,
7 we submit, portray KAYA as one of the conspirators,
8 going along with the military, using his time and
9 efforts to sell the same idea to the Japanese people,
10 and preparing them for what is to follow.

11 II-18. The Protocol between Italy, Germany
12 and Japan was concluded on November 12, 1937.^{a.} KAYA
13 was in attendance at the Imperial Conference of
14 January 11, 1938, which was held for the purpose of
15 deciding the policy toward China. He was authorized
16 to apply the Temporary Fund Adjustment Law and could
17 authorize expenditures from the "Extraordinary War
18 Expenditures Account."^{b.} In March 1938, the Electric
19 Power Law was promulgated.^{c.} On April 30, 1938, the
20 North China Development Company was formed, of which
21 he later became President.^{d.} Plans for the Manchurian
22 Heavy Industry Company had already been drawn and were
23 in operation.^{e.}

25 II-17. a. Ex. 3338-C, T. 30,677
II-18. a. T. 6037; b. Ex. 840, T. 8553, T. 8542;
c. T. 8274; d. T. 8474; e. T. 5128, Ex. 239,
T. 2960-6.

1 II-19. In the field of banking during this
 2 period, the accused KAYA directed the adjustment of
 3 investment policies in all banks, thereby destroying
 4 the last vestige of the autonomous action in banks,^{a.}
 5 and in February 1938, he established and operated
 6 reserve banks under the direction of his office in
 7 China.^{b.}

8 C. THIRD PERIOD

9 II-20. On May 26, 1938, in the reorganization
 10 of the First KONOYE Cabinet, KAYA was one of those
 11 who resigned his post. He stated on direct examination,
 12 that he had no connection with the Cabinet or govern-
 13 ment from date of his resignation until October 18, 1941.
 14 When questioned further, he did not deny that he
 15 held several important posts during this period,
 16 most of which appointments were made by the Cabinet.^{a.}

18 II-21. During this period KAYA "also conducted
 19 addresses and talks to quite an extent for the purpose
 20 of encouraging savings among the people".^{a.} In the
 21 two addresses introduced into evidence there is no
 22 mention of savings, but a new thought was propagated
 23 by the accused KAYA to his listeners -- "Asia for
 24 the Asiatics".^{b.}

25 II-19. a. Ex. 840, T. 8558
 " b. Ex. 840, T. 8444-5

II-20. a. T. 30,662

II-21. a. T. 30,680; b. Ex. 3339, T. 30,689; Ex. 3339-A,
 T. 30,698

II-22. The defendant KAYA was chairman of the Japan-Manchukuo-China Economic Round-Table Conference of November 2, 1938.^{a.} Again, at this conference he made an appeal to the people by praising the Japanese soldiers and calling the war in China a "holy war". In order to make Japan the real stabilizing force of East Asia, KAYA stressed the necessity of expanding powers, armaments and strong economic power. KAYA urged the people to devote the entire national energies to achieve a long-range economic construction.^{b.} At Hiroshima on November 29, 1938, he delivered another address which pointed out the necessity of a union of Greater East Asia.^{c.} Moreover, the evidence shows that KAYA realized the significance of the part he was to play in bringing about "Asia for the Asiatics". He declared, "We economists must first of all proceed toward the welding of an economic area". He explained the basis for a "union of 'Asia for the Asiatics' must in the last analysis be an economic one".^{d.}

II-23. KAYA was president of the North China Development Company from August 1939 to October 1941.

- II-22. a. Ex. 3339, T. 30,689
 " b. Ex. 3339, T. 30,690-91
 " c. Ex. 3339-A, T. 30,699
 " d. Ex. 3339-A, T. 30,699-700

1 According to KAYA's testimony before this Tribunal, the
2 officers of the North China Development Company were
3 in China upon the invitation of the Chinese, and the
4 invasion and march of the Japanese armies in Manchuria
5 and China and southward was an excursion put on by
6 the Chinese for the entertainment of the Japanese
7 armies. In the first place, it was KAYA's duty to
8 deliver financial assistance to the marching armies
9 in Manchuria and China. As an officer of the Finance
10 Ministry and as President of the North China Development
11 Company, he knew that Japanese armies had forcibly
12 taken over Chinese industries and were operating these
13 industries to support Japan's war efforts.^{a.} This is
14 further proved by the testimony of Goette, who said
15 KAYA explained that the purpose of the North China
16 Development Company was to supply Japan with war
17 material to be used in the conduct of Sino-Japanese
18 hostilities, to expand the armament of Japan, and to
19 meet the needs of peacetime industry.^{b.} The
20 organization, plan and purposes of this company are
21 more fully set forth in the General Summation, pages
22 E-84 and E-85. KAYA's connection with this company
23 further identifies him as a conspirator.
24

25 II-23. a. T. 30,703
" b. T. 3872

1 D. KAYA'S TENURE AS FINANCE MINISTER IN
2 THE TOJO CABINET FROM OCTOBER 18, 1941 TO FEBRUARY 9,
3 1944, AND UP TO THE DATE OF SURRENDER

4 II-24. On October 17, 1941, TOJO requested
5 KAYA to join his cabinet as Finance Minister. After
6 TOJO assured KAYA that he intended to continue the
7 Japanese-American negotiations and settle the dispute
8 amicably^{a.} KAYA felt he should join the cabinet
9 and do what he could to "steer the State to a peaceful
10 landing". KAYA joined the cabinet the same evening.^{b.}

11 II-25. KAYA who was bent on steering the
12 STATE to a peaceful landing is that same man who was
13 connected intimately for many years with the financial
14 affairs of the Japanese nation, that same man who
15 contends he continuously fought the demands of the
16 military for increased appropriations but consistently
17 saw his efforts defeated, that same man who saw the
18 aggression in Manchuria blossom into a full-fledged
19 war with China, that same man who as Finance Minister
20 formulated plans which turned peace-time industries
21 into those for making implements of war. There is
22 justifiable doubt as to whether KAYA could seriously
23 entertain the belief that he could steer the State

25 II-24. a. Ex. 3337, T. 30,648; Ex. 3655, T. 36,315
 " b. Ex. 3337, T. 30,648-50

1 along a peaceful course. He knew the trend of
 2 militarism in Japan was uncontrollable. The Tri-
 3 partite Pact had been signed the year before, and
 4 Japan was still on a march of aggression. He himself
 5 had advocated the policy of meeting the demands of
 6 the military first. KAYA carried out financial
 7 measures and assisted in the planning for an attack
 8 against the Soviet Union, the United States, Great
 9 Britain, China and other nations.^{c.}

10 II-26. KAYA's reliance on TOJO's assurances
 11 soon faded, for one of the first tasks to be undertaken
 12 by the new Finance Minister was to continue working
 13 on draft measures for the manufacture of foreign
 14 currency.^{a.} Early in 1941, military currency had
 15 been manufactured and the denominations were "guilder,
 16 dollar and pesos."^{b.} The new draft measure, entitled
 17 "the issue of military notes with foreign currency
 18 denomination" was submitted to KAYA, who suggested a
 19 revision which was later approved.^{c.} This called for
 20 the manufacture of 37,000,000 pesos by October 20, 1941,
 21 \$45,000,000 and 45,000,000 guilders by November 20,
 22 1941.^{d.} This procedure for the issuance of the

24 II-25. c. Ex. 838, T. 8171-2; Ex. 682-5, 712, 718,
 725, 729, 739
 25 II-26. a. T. 26,973 b. T. 8460
 c. T. 26,794 d. T. 8453

1 military currency was left to the Finance Minister
 2 and the Army and Navy Ministers,^{e.} and on November
 3 1, 1941, KAYA issued instructions to the Bank of
 4 Japan concerning foreign military currency.

5 II-27. KAYA testified "After joining the
 6 Cabinet, I did everything within my power to avoid
 7 war."^{a.} What did he do? The oil situation was
 8 critical so he "suggests a plan for the manufacture
 9 of synthetic oil and the plan to buy from Karufuto."^{b.}
 10 KAYA hoped that Japan could thus solve the oil shortage
 11 which he feared would result if relations with the
 12 United States were broken off. At the November 5
 13 Liaison Conference he "urged against an immediate
 14 decision and was finally given an opportunity to
 15 consider the matter for another day."^{c.} That is what
 16 the record shows he did to "avoid war". He "was
 17 present at most of the liaison conferences though he
 18 never played a leading role in the discussion as the
 19 topic of the conferences mostly centered around the
 20 U.S.-Japanese negotiations".^{d.} At all Cabinet, Liaison,
 21 and Imperial Meetings his attendance was conspicuous
 22 by his "saying nothing". No one can say but that he
 23 loaned himself and his office to the furtherance of

25 II-26. e. T. 8457
 II-27. a. T. 30,650 b. Ex. 3331, T. 30,610
 e. T. 30,654 d. T. 30,611

the military.

II-28. In the Liaison Conferences from October 23 to November 2, 1941, three plans for handling the negotiations between the United States and Japan were drawn up. KAYA attended all the conferences as Finance Minister.^{a.} The Liaison Conference of November 5, 1941, finally decided upon the third plan to continue with operational preparations in anticipation of the failure of negotiations. Unless negotiations were successful,^{b.} there would be war with the United States. According to TOJO, TOGO and KAYA reserved their approval until the next morning, and KAYA communicated his approval of the plan the next morning to TOJO.^{c.} KAYA told TOJO that he had not been opposed to the proposal the day before. Perhaps this was due to the fact that the Supreme Command insisted that there was a chance for victory if war was started at an opportune time.^{d.}

II-29. On November 29th, 1941, the senior statesmen and cabinet officers appeared before the Emperor to give opinions regarding war against the United States, Great Britain and Netherlands East Indies.^{a.} KAYA attended this meeting also.

II-28. a. T. 35,835; T. 36,072 b. Ex. 3655, T. 36,317
c. Ex. 3655, T. 36,324; T. 35,696; T. 36,064
d. T. 30,654
II-29. a. Ex. 3655, T. 36,364-7

II-30. KAYA attended the Imperial Conference of December 1, 1941. He had told the Prime Minister that he would not oppose war and at the conference he did not oppose war. He knew in advance hostilities were to be opened against the United States. He heard this either at a "Liaison Conference or at the Prime Minister's official residence" and heard it from TOJO, SHIMADA or HOSHINO.^{a.} TOJO testified that the agenda for this conference was "Whereas the negotiations with the United States based on the outline of Japan's national policy, decided on November 5th, having ended in failure, Japan opens war against the United States, Britain and the Netherlands." KAYA gave a report on Japan's economic and financial strength.^{b.} The conference decided to commence hostilities and according to TOJO, the decision of the Imperial Conference was considered the decision of the cabinet.^{c.}

II-31. The main point of KAYA's defense seems to be that his motive for accepting cabinet posts and other governmental positions was to combat the military in an effort to attain peace and that he had been opposed all along to certain actions and steps taken by the conspirators. However, KAYA joined the

II-30. a. T. 30,705 b. Ex. 3655, T. 36,371-4
c. Ex. 3655, T. 36,379

1 conspiracy and cannot claim now that he has no
2 responsibility for the subsequent acts of the
3 conspirators. Even if he were opposed to certain
4 acts and approved of them reluctantly, he never
5 definitely disassociated himself from the conspiracy.
6 Since he allegedly had this deep-rooted opposition
7 against the military and its actions and did not
8 resign but rather from the evidence aided the military
9 first of all, he is even more responsible, particularly
10 since he approved of policies with the full knowledge
11 and conviction of their evil.

12 II-32. On December 2, 1941, the Sixth
13 Committee in the cabinet was established under the
14 chairmanship of the President of the Planning Board
15 and made up of personnel from the Planning Board, and
16 the Foreign, Finance, War and Navy Ministries. The
17 work of the committee and the fact of its existence
18 were to be kept secret. On December 12, 1941, this
19 committee filed its report entitled "Outline of the
20 Economic Counter-Plans for the Southern Area." The
21 aim of this policy was to fill the demand for important
22 resources for the execution of the war and to
23 strengthen Japan's economy. On November 1, 1942, the
24 Greater East Asia Ministry was established by Imperial
25 Order on advice of Cabinet Ministers. KAYA at that

conspiracy and cannot claim now that he has no
1 responsibility for the subsequent acts of the
2 conspirators. Even if he were opposed to certain
3 acts and approved of them reluctantly, he never
4 definitely disassociated himself from the conspiracy.
5 Since he allegedly had this deep-rooted opposition
6 against the military and its actions and did not
7 resign but rather from the evidence aided the military
8 first of all, he is even more responsible, particularly
9 since he approved of policies with the full knowledge
10 and conviction of their evil.
11

12 II-32. On December 2, 1941, the Sixth
13 Committee in the cabinet was established under the
14 chairmanship of the President of the Planning Board
15 and made up of personnel from the Planning Board, and
16 the Foreign, Finance, War and Navy Ministries. The
17 work of the committee and the fact of its existence
18 were to be kept secret. On December 12, 1941, this
19 committee filed its report entitled "Outline of the
20 Economic Counter-Plans for the Southern Area." The
21 aim of this policy was to fill the demand for important
22 resources for the execution of the war and to
23 strengthen Japan's economy. On November 1, 1942, the
24 Greater East Asia Ministry was established by Imperial
25 Order on advice of Cabinet Ministers. KAYA at that

time was Finance Minister. KAYA was a member of
1 the TOJO Cabinet until February 19, 1944 and must
2 share responsibility for all actions taken to
3 prosecute the war. He never at any time disassociated
4 himself from the conspiracy.

5 II-33. In regard to Groups 2 and 3 of
6 the offenses, in the Indictment, KAYA not only had
7 the responsibility that every other member of the
8 Cabinet had during his two main periods of office
9 which have been set forth above, but it is impossible
10 to conceive that such a large operation as the
11 construction of the Burma-Siam Railway would have
12 been carried out without consultation with and consent
13 of the Minister of Finance. If he was ignorant of
14 the outrages in China and throughout the theaters of
15 the Pacific War, which is incredible, it could only
16 have been by deliberate abstention from using the
17 obvious sources of knowledge which it was his duty
18 to invoke.

19
20 (The following portion of the summation
21 not read, was transcribed into the proceedings
22 as follows:)

23 PART II

24 II-34. The prosecution submits that the
25 evidence is sufficient to sustain the charges in the

1 Indictment against the accused KAYA. The numbered
2 paragraphs which tend to prove specific counts are
3 set forth below:

4 Count 1: Paragraphs II-2, 8, 10, 12, 15,
5 16, 17, 18, 22, 23, 26, 27, 28.

6 Count 2: Paragraphs II-2, 8, 10, 12, 15,
7 16, 17, 18, 22, 23, 26.

8 Count 3: Paragraphs II-2, 8, 10, 12, 15,
9 16, 17, 18, 22, 23, 26, 27, 28.

10 Count 4: Paragraphs II-2, 8, 10, 12, 15,
11 16, 17, 18, 22, 23, 26, 27, 28.

12 Count 5: Paragraphs II-8, 10, 12, 15, 16,
13 17, 18, 22, 23, 26.

14 Count 6: Paragraphs II-2, 8, 10, 12, 15,
15 16, 17, 18, 22, 23, 26.

16 Count 7: Paragraphs II-2, 8, 15, 16, 17,
17 18, 22, 23, 26, 27, 28.

18 Count 8: Paragraphs II-2, 8, 10, 15, 16,
19 17, 18, 22, 23, 26, 27, 28.

20 Count 9: Paragraphs II-2, 8, 10, 15, 16,
21 17, 18, 22, 23, 26, 27, 28.

22 Count 10: Paragraphs II-2, 8, 10, 15, 16,
23 17, 18, 22, 23, 26, 27.

24 Count 11: Paragraphs II-2, 8, 10, 15, 16,
25 17, 18, 22, 23, 26, 27, 28.

Count 12: Paragraphs II-2, 8, 10, 15, 16,
1 17, 18, 22, 23, 26, 27, 28.
2 Count 13: Paragraphs II-2, 8, 10, 15, 16,
3 17, 18, 22, 23, 26, 27, 28.
4 Count 14: Paragraphs II-2, 8, 10, 15, 16,
5 17, 18, 22, 23, 26, 27, 28.
6 Count 15: Paragraphs II-2, 8, 15, 16, 17,
7 18, 22, 23, 26, 27, 28.
8 Count 16: Paragraphs II-2, 8, 26, 27, 28.
9 Count 17: Paragraphs II-2, 8, 26, 27, 28.
10 Count 19: Paragraphs II-8, 10, 12, 15, 16,
11 17, 18, 22, 23, 26.
12 Count 20: Paragraphs II-30, 32.
13 Count 21: Paragraphs II-30, 32.
14 Count 22: Paragraphs II-30, 32.
15 Count 24: Paragraphs II-30, 32.
16 Count 27: Paragraphs II-8, 10, 12, 15, 16,
17 17, 18, 22, 23, 26.
18 Count 28: Paragraphs II-8, 10, 15, 16, 17,
19 18, 22, 23, 26.
20 Count 29: Paragraphs II-30, 32.
21 Count 30: Paragraphs II-30, 32.
22 Count 31: Paragraphs II-30, 32.
23 Count 32: Paragraphs II-30, 32.
24 Count 34: Paragraphs II-30, 32.
25

Count 37: Paragraphs II-2, 8, 26, 27, 28.

Count 38: Paragraphs II-2, 8, 26, 27, 28.

Count 39: Paragraphs II-30, 32.

Count 40: Paragraphs II-30, 32.

Count 41: Paragraphs II-30, 32.

Count 42: Paragraphs II-30, 32.

Count 43: Paragraphs II-30, 32.

Count 45: Paragraphs II-2, 8, 10, 12, 15,
16, 17, 18, 22, 23.

Count 46: Paragraphs II-2, 8, 10, 12, 15,
16, 17, 18, 22, 23.

Count 47: Paragraphs II-2, 8, 10, 12, 15,
16, 17, 18, 22, 23.

Count 54: Paragraphs II-2, 8, 10, 12, 15,
16, 17, 18, 22, 23, 26, 30, 32.

Count 55: Paragraphs II-2, 8, 10, 12, 15,
16, 17, 18, 22, 23, 26, 30, 32.

- - -

Mr. Comyns Carr will follow for the
prosecution.

THE PRESIDENT: Mr. Comyns Carr.

MR. COMYNS CARR: May it please the Tribunal:

1 KIDO, Koichi.

2 JJ-1. The case against KIDO begins substan-
3 tially with his joining the first KONOYE Cabinet as
4 Education Minister on 22 October 1937, and the first
5 phase of it, in which his responsibility is clearest
6 and most direct, continues through that cabinet and the
7 succeeding HIRANUMA Cabinet until 28 August 1939, when
8 the latter resigned. In the former he also held the
9 office of Welfare Minister concurrently between 11
10 January and 26 May 1938, and solely from then until the
11 first KONOYE Cabinet resigned on 4 January 1939. In
12 the HIRANUMA Cabinet he held the office of Home Minister.
13 His real position and influence, however, were by no
14 means dependent upon the particular offices he held,
15 but upon his membership and powerful voice in the
16 cabinet, and upon his personal friendship and influence
17 with his colleagues, especially KONOYE, who remained as
18 a Minister without portfolio in the HIRANUMA Cabinet.
19 He admits the collective responsibility of the cabinet
20 for all their actions.^{a.}

22 JJ-2. The second important phase of the case
23 against him relates to his holding of the office of
24 Lord Keeper of the Privy Seal from 1 June 1940 until the
25 (JJ-1. a. T. 31385.)

surrender.

1 JJ-3. During the intervening period his
2 principal activity seems to have been in connection with
3 the formation of a new political party, in which he had
4 already taken part during the latter part of the first
5 KONOYE Cabinet, and of which he was to have been Vice-
6 President under KONOYE if he had not accepted the post
7 of Lord Keeper.

8 JJ-4. During the earlier period of the con-
9 spiracy KIDO held the position of Chief Secretary to the
10 Lord Keeper from 28 October 1930 to 13 June 1936. We do
11 not suggest that during this period he was a member of
12 the conspiracy, although in his diary of 10 September
13 1931, he expressed general agreement with the view of
14 one TANI of the Foreign Ministry that "self-defense
15 action" in China might be unavoidable according to
16 developments in the future.^{a.} In cross-examination he
17 said^{b.} that in the beginning he thought the Manchurian
18 incident was defensive (which is difficult to reconcile
19 with his entry of 23 September 1931,^{c.} which shows that
20 he did not believe the Army story about the railway ex-
21 plosion) but later he thought it had ceased to be so.
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37
38
39
40
41
42
43
44
45
46
47
48
49
50
51
52
53
54
55
56
57
58
59
60
61
62
63
64
65
66
67
68
69
70
71
72
73
74
75
76
77
78
79
80
81
82
83
84
85
86
87
88
89
90
91
92
93
94
95
96
97
98
99
100
101
102
103
104
105
106
107
108
109
110
111
112
113
114
115
116
117
118
119
120
121
122
123
124
125
126
127
128
129
130
131
132
133
134
135
136
137
138
139
140
141
142
143
144
145
146
147
148
149
150
151
152
153
154
155
156
157
158
159
160
161
162
163
164
165
166
167
168
169
170
171
172
173
174
175
176
177
178
179
180
181
182
183
184
185
186
187
188
189
190
191
192
193
194
195
196
197
198
199
200
201
202
203
204
205
206
207
208
209
210
211
212
213
214
215
216
217
218
219
220
221
222
223
224
225
226
227
228
229
230
231
232
233
234
235
236
237
238
239
240
241
242
243
244
245
246
247
248
249
250
251
252
253
254
255
256
257
258
259
260
261
262
263
264
265
266
267
268
269
270
271
272
273
274
275
276
277
278
279
280
281
282
283
284
285
286
287
288
289
290
291
292
293
294
295
296
297
298
299
300
301
302
303
304
305
306
307
308
309
310
311
312
313
314
315
316
317
318
319
320
321
322
323
324
325
326
327
328
329
330
331
332
333
334
335
336
337
338
339
340
341
342
343
344
345
346
347
348
349
350
351
352
353
354
355
356
357
358
359
360
361
362
363
364
365
366
367
368
369
370
371
372
373
374
375
376
377
378
379
380
381
382
383
384
385
386
387
388
389
390
391
392
393
394
395
396
397
398
399
400
401
402
403
404
405
406
407
408
409
410
411
412
413
414
415
416
417
418
419
420
421
422
423
424
425
426
427
428
429
430
431
432
433
434
435
436
437
438
439
440
441
442
443
444
445
446
447
448
449
450
451
452
453
454
455
456
457
458
459
460
461
462
463
464
465
466
467
468
469
470
471
472
473
474
475
476
477
478
479
480
481
482
483
484
485
486
487
488
489
490
491
492
493
494
495
496
497
498
499
500
501
502
503
504
505
506
507
508
509
510
511
512
513
514
515
516
517
518
519
520
521
522
523
524
525
526
527
528
529
530
531
532
533
534
535
536
537
538
539
540
541
542
543
544
545
546
547
548
549
550
551
552
553
554
555
556
557
558
559
560
561
562
563
564
565
566
567
568
569
570
571
572
573
574
575
576
577
578
579
580
581
582
583
584
585
586
587
588
589
590
591
592
593
594
595
596
597
598
599
600
601
602
603
604
605
606
607
608
609
610
611
612
613
614
615
616
617
618
619
620
621
622
623
624
625
626
627
628
629
630
631
632
633
634
635
636
637
638
639
640
641
642
643
644
645
646
647
648
649
650
651
652
653
654
655
656
657
658
659
660
661
662
663
664
665
666
667
668
669
670
671
672
673
674
675
676
677
678
679
680
681
682
683
684
685
686
687
688
689
690
691
692
693
694
695
696
697
698
699
700
701
702
703
704
705
706
707
708
709
710
711
712
713
714
715
716
717
718
719
720
721
722
723
724
725
726
727
728
729
730
731
732
733
734
735
736
737
738
739
740
741
742
743
744
745
746
747
748
749
750
751
752
753
754
755
756
757
758
759
760
761
762
763
764
765
766
767
768
769
770
771
772
773
774
775
776
777
778
779
780
781
782
783
784
785
786
787
788
789
790
791
792
793
794
795
796
797
798
799
800
801
802
803
804
805
806
807
808
809
810
811
812
813
814
815
816
817
818
819
820
821
822
823
824
825
826
827
828
829
830
831
832
833
834
835
836
837
838
839
840
841
842
843
844
845
846
847
848
849
850
851
852
853
854
855
856
857
858
859
860
861
862
863
864
865
866
867
868
869
870
871
872
873
874
875
876
877
878
879
880
881
882
883
884
885
886
887
888
889
890
891
892
893
894
895
896
897
898
899
900
901
902
903
904
905
906
907
908
909
910
911
912
913
914
915
916
917
918
919
920
921
922
923
924
925
926
927
928
929
930
931
932
933
934
935
936
937
938
939
940
941
942
943
944
945
946
947
948
949
950
951
952
953
954
955
956
957
958
959
960
961
962
963
964
965
966
967
968
969
970
971
972
973
974
975
976
977
978
979
980
981
982
983
984
985
986
987
988
989
990
991
992
993
994
995
996
997
998
999
1000

24 JJ-4. a. Ex. 179-E, T. 1935.

b. T. 31476.

c. Ex. 179-J, T. 1939;

Affidavit, par. 15, T. 30732-4.)

1 before and after the Mukden Incident shows that although
2 he was hostile at this time to the military plotters,
3 the real ground was fear of their gaining too much power
4 in Japan, especially at the expense of the Emperor's
5 personal attendants, of whom he was one, rather than any
6 objection to aggression in principle. Indeed no entry
7 from the diary has, we submit, been produced from either
8 side which shows that he ever opposed any aggression
9 because it was morally wrong or contrary to international
10 law or treaties. Sometimes he opposed the military for
11 the reason above-mentioned; sometimes he advocated
12 caution or delay because he was not convinced that
13 immediate aggression would be successful; sometimes,
14 especially in the China Incident in 1937-9, he active-
15 ly supported aggression, as we claim to have proved.
16 Never did he express any moral objection to it. Always
17 he was prepared to let the military have their way and
18 in later years at least to make it easy for them, rather
19 than risk the possibility of revolution or civil war in
20 Japan.

21 JJ-5. Between 13 June 1936 and 22 October 1937,
22 he was President of the Board of Peerage.

23 JJ-6. The principal sources of information
24 about him are his own diary, the HARADA-SAIONJI Memoirs,
25 and his evidence before the Tribunal, apart from the

1 general evidence of the decisions and events of the
2 periods during which he held office.

3 JJ-7. It is therefore important to test the
4 reliability of these sources. His own diary, we sub-
5 mit, there is no reason to doubt; it does not appear to
6 have been written with any ulterior motive and may be
7 taken to represent his real views and an accurate
8 record of events as he saw them at the time. It is
9 valuable as evidence about other people as well as him-
10 self. He raises two points about the translation in
11 various passages of his affidavit: (1) that we have
12 quoted from the exhibits instead of the record and
13 therefore do not show language corrections subsequently
14 made. (On the contrary we have incorporated all such
15 corrections in our copies of the exhibits as we presume
16 the Members of the Tribunal have done, and quote from
17 them as corrected.) (2) that certain passages which
18 have already been decided by the Language Arbitration
19 Board and certain others which have never been submitted
20 to them by the defense are incorrect. This he swore al-
21 though he admitted that his own knowledge of English is
22 imperfect.^a It was for them to submit to the Board the
23 precise passages which they proposed to correct, but as
24 they have never done so the existing translations stand
25 (JJ-7. a. T. 31292.)

as the evidence before the Tribunal.

1 JJ-8. In considering his evidence it is
2 essential to form an opinion as to his veracity, and we
3 submit that he has been demonstrated to be a deliberately
4 untruthful witness, of which we will give specific ex-
5 amples. There are a number of controversial statements
6 of fact in his affidavit (to some of which we will call
7 attention) where it is obvious that if true they could
8 have been corroborated by other witnesses, but are not.
9 We call attention to what happened to the order of
10 proof which he submitted of evidence to follow his own.
11 Two affidavits, which did corroborate him on minor
12 points of fact, were admitted without objection.^{a.} One
13 was entirely and another partially rejected so far as
14 they dealt only with matters of opinion, procedure and
15 character, but part of the second which purported to
16 relate contemporary expressions of opinion by him was ad-
17 mitted.^{b.} Another was objected to on similar grounds^{c.}
18 and adjourned for a reply.^{d.} The following morning
19 it was announced on his behalf that owing to the rulings
20 above-mentioned the whole of the remainder of his order
21 of proof was withdrawn. It follows that none of it can
22 have corroborated him on any question of fact, or
23

24 (JJ-8. a. T. 31638, 31641.
25 b. T. 31622, 31631.
 c. T. 31637.
 d. T. 31645.)

as the evidence before the Tribunal.

1 JJ-8. In considering his evidence it is
2 essential to form an opinion as to his veracity, and we
3 submit that he has been demonstrated to be a deliberately
4 untruthful witness, of which we will give specific ex-
5 amples. There are a number of controversial statements
6 of fact in his affidavit (to some of which we will call
7 attention) where it is obvious that if true they could
8 have been corroborated by other witnesses, but are not.
9 We call attention to what happened to the order of
10 proof which he submitted of evidence to follow his own.
11 Two affidavits, which did corroborate him on minor
12 points of fact, were admitted without objection.^{a.} One
13 was entirely and another partially rejected so far as
14 they dealt only with matters of opinion, procedure and
15 character, but part of the second which purported to
16 relate contemporary expressions of opinion by him was ad-
17 mitted.^{b.} Another was objected to on similar grounds^{c.}
18 and adjourned for a reply.^{d.} The following morning
19 it was announced on his behalf that owing to the rulings
20 above-mentioned the whole of the remainder of his order
21 of proof was withdrawn. It follows that none of it can
22 have corroborated him on any question of fact, or
23

24 (JJ-8. a. T. 31638, 31641.
25 b. T. 31622, 31631.
 c. T. 31637.
 d. T. 31645.)

alternatively that it had been discovered that the affidavit could not be relied upon to support his case.

JJ-9. In reading his voluminous affidavit of 296 pages, in which he purports to give a detailed day to day account of all his important activities and all the important events during his period of office, two things are now obvious. The first is that over and over again he gives a detailed account of some event and some opinion which he says that he held or expressed at the time, and claims that this is corroborated by his diary, when in fact a careful examination shows either that they are in conflict or that he has added a gloss so important that it is impossible to believe that he would have omitted it from the diary if it were true. In cross-examination he stated that his memory depended on his diary,^a but the most important statements in his affidavit do not. We ask the Tribunal to rely on the diary entries only and to reject his oral evidence where he seeks to add to them or explain them away.

JJ-10. The second is that although he purports to give an extremely detailed account of his daily doings on all matters connected with the charge, he omits all reference to certain vitally important decisions which were already in evidence when he testified (JJ-9. a. T. 31577-8.)

alternatively that it had been discovered that the affidavit could not be relied upon to support his case.

JJ-9. In reading his voluminous affidavit of 296 pages, in which he purports to give a detailed day to day account of all his important activities and all the important events during his period of office, two things are now obvious. The first is that over and over again he gives a detailed account of some event and some opinion which he says that he held or expressed at the time, and claims that this is corroborated by his diary, when in fact a careful examination shows either that they are in conflict or that he has added a gloss so important that it is impossible to believe that he would have omitted it from the diary if it were true. In cross-examination he stated that his memory depended on his diary,^{a.} but the most important statements in his affidavit do not. We ask the Tribunal to rely on the diary entries only and to reject his oral evidence where he seeks to add to them or explain them away.

JJ-10. The second is that although he purports to give an extremely detailed account of his daily doings on all matters connected with the charge, he omits all reference to certain vitally important decisions which were already in evidence when he testified (JJ-9. a. T. 31577-8.)

particularly the cabinet decisions with regard to China
1 of 24 December 1937^{a.} and those of 9 and 10 January 1938,
2 which settled the decisions formally taken at the Imperial
3 Conference of 11 January 1938.^{b.} The witness HORINOUCI,
4 who also purported to give a detailed account of these
5 events from a Foreign Ministry point of view, did the
6 same thing, but the omissions had been corrected during
7 his cross-examination when these documents were exhibited
8 on 2 October 1947, twelve days before KIDO began his
9 evidence. In our submission, they clearly show the
10 falsity of KIDO's story about his part in the China
11 affair; and although no doubt his affidavit was then
12 completed, some attempt could have been made, but was not,
13 to deal with them by supplementary questions. In any
14 case, we submit, it is impossible that either he or
15 HORINOUCI can have forgotten such vital decisions, and
16 that they must have omitted them because the prosecution
17 had not proved them as part of their case and in hope
18 that they had not been discovered.
19

20 JJ-11. With regard to the HARADA-SAIONJI
21 records it is remarkable that, although these had been
22 under study by the defense ever since 29 August 1947,
23 KIDO's long affidavit contains no reference to them what-
24 ever, but it does contain frequent references to his
25

(JJ-10. a. Ex. 3263, T. 29815.

b. Ex. 3264, T. 29837; Ex. 3265, T. 29855.)

1 friendship and respect for both HARADA and SAIONJI,
 2 which indeed he reiterated in cross-examination.^{a.} But
 3 when confronted with a number of passages in those
 4 records, he not only queried their accuracy (though for
 5 the most part he confined himself to saying that he did
 6 not recollect them)^{b.} but attacked HARADA as lacking in
 7 scholarship and in system^{c.} and asserted that for a
 8 period of three or four months after UGAKI failed to
 9 form his cabinet (i.e., the end of January, 1937) he
 10 was incapacitated by illness and KIDO had to perform his
 11 duties for him.^{d.} Also that during some unspecified
 12 period in his later life he was given to drowsiness and
 13 inattention.^{e.} A study of the diary by Mrs. KONOYE
 14 shows that during the period in question (although he
 15 had one short spell which cannot have been longer than
 16 four days,^{f.} if as long, when he was confined to his
 17 house) he was constantly travelling between Tokyo and
 18 his own and SAIONJI's country houses and calling upon
 19 various people; the statement is clearly untrue. As to
 20 the last allegation, HARADA lived more than five years
 21 after the death of SAIONJI in November, 1940, when he
 22 ceased to keep the records, and there is nothing to show

23 (JJ-11. a. e.g. T. 31540.

24 b. T. 31449-50, 31528, 31567, 31571.

25 c. T. 31540.

d. T. 31541.

e. T. 31542.

f. Ex. 3879, T. 38682.)

that the statement, even if true of any period, relates
 1 to the time when he was keeping the records. More
 2 important perhaps is the consideration that, even if he
 3 sometimes missed some part of what was being said to him,
 4 that is no indication that he has invented or distorted
 5 those things which he has recorded. No witness has
 6 attacked his honesty, nor has KIDO suggested that he had
 7 any motive for misrepresenting him. He admits that in
 8 October, 1940, the last entry exhibited,^{g.} he still
 9 trusted HARADA, who was neither malicious nor out of his
 10 mind, though he asserts untruthfully, we submit, that he
 11 was then in very bad health.^{h.} The records themselves
 12 agree with KIDO as to the continuing friendship with
 13 HARADA and with KONOYE, though they also show that from
 14 1938 onwards HARADA became increasingly shocked at the
 15 change of attitude of both KIDO and KONOYE which he
 16 records. We ask the Tribunal to accept without hesi-
 17 tation the evidence of Dr. MURIYAMA^{i.} (modified only
 18 slightly as to years 1941 and 1942, which are irrelevant,
 19 by Dr. SASSA)^{j.} and Mrs. KONOYE,^{k.} and to find that KIDO
 20 was giving a false story in the attempt to discredit the
 21 Memoirs, knowing full well how disastrous they were to
 22
 23 (JJ-11. g. Ex. 3810, T. 31571.
 24 h. T. 31573-4.
 25 i. Ex. 3749, T. 37445.
 j. Ex. 3880, T. 38686-90.
 k. Ex. 3750, T. 37461; Ex. 3750-A, T. 37464.)

that the statement, even if true of any period, relates
 1 to the time when he was keeping the records. More
 2 important perhaps is the consideration that, even if he
 3 sometimes missed some part of what was being said to him,
 4 that is no indication that he has invented or distorted
 5 those things which he has recorded. No witness has
 6 attacked his honesty, nor has KIDO suggested that he had
 7 any motive for misrepresenting him. He admits that in
 8 October, 1940, the last entry exhibited,^{g.} he still
 9 trusted HARADA, who was neither malicious nor out of his
 10 mind, though he asserts untruthfully, we submit, that he
 11 was then in very bad health.^{h.} The records themselves
 12 agree with KIDO as to the continuing friendship with
 13 HARADA and with KONOYE, though they also show that from
 14 1938 onwards HARADA became increasingly shocked at the
 15 change of attitude of both KIDO and KONOYE which he
 16 records. We ask the Tribunal to accept without hesi-
 17 tation the evidence of Dr. MURIYAMA^{i.} (modified only
 18 slightly as to years 1941 and 1942, which are irrelevant,
 19 by Dr. SASSA)^{j.} and Mrs. KONOYE,^{k.} and to find that KIDO
 20 was giving a false story in the attempt to discredit the
 21 Memoirs, knowing full well how disastrous they were to
 22

23 (JJ-11. g. Ex. 3810, T. 31571.

24 h. T. 31573-4.

i. Ex. 3749, T. 37445.

25 j. Ex. 3880, T. 38686-90.

k. Ex. 3750, T. 37461; Fx. 3750-A, T. 374(4.)

him if accepted as correct as we submit they should be.

1 It is noticeable that as far as the evidence goes no
2 entry in the Memoirs is in conflict with any entry in
3 KIDO's diary; the conflict is entirely with his oral
4 evidence. If accepted, we submit, that the excerpts
5 from the Memoirs entirely discredit KIDO as a witness.
6 Another and perhaps the most notable case in which we
7 submit he has been proved to be untruthful is with
8 regard to his knowledge of the atrocities in China.^{k.}

9 KIDO and the Emperor.

10 JJ-12. What was KIDO's real attitude towards
11 the Emperor? He professes great loyalty, but if you
12 accept HARADA's record of his private remarks the truth
13 is he held him secretly in some contempt. On 20 April
14 1939, HARADA records him as saying in connection with
15 the proposed alliance with Germany, on which the Army
16 with the support of HIRANUMA were pressing for a more
17 extreme form of military pact than ARITA or YONAI would
18 agree to, "The present Emperor is a scientist and very
19 much of a liberal as well as a pacifist. Therefore if
20 the Emperor's ideas are not changed there will exist
21 quite a gap between His Majesty and the Army and Rightist
22 groups."^{a.} This makes it clear also that he considered
23 it his mission to guide the Emperor into a more
24
25

(JJ-11. k. par. JJ-34 below.

JJ-12. a. Ex. 3799-A, T. 37789.)

1 sympathetic attitude towards the views of the Army and
2 the right wing. This, we submit, is the key to his
3 whole course of action after he became Lord Keeper in
4 June, 1940. These remarks evidently astonished and
5 angered HARADA, and it is idle for KIDO, who professed
6 great friendship for him, to suggest^{b.} that he could
7 possibly have been mistaken about such a matter,
8 especially in view of HARADA's subsequent remarks.

9 JJ-13. From the very beginning it is also, in
10 our submission, clear that KIDO's main pre-occupation
11 was to prevent the Emperor, and more particularly his
12 personal attendants, of whom he was himself one, being
13 brought into controversy or danger of being ousted or
14 even assassinated.^{a.} This is well illustrated by his
15 diary of 22 September 1931.^{b.} Because the Army was in-
16 dignantly declaring that the Emperor had been induced by
17 his personal attendants to form an opinion against
18 further extension of the Manchurian Incident, therefore
19 KIDO and his friends decided that the Emperor should
20 avoid saying anything further about it and Prince SAIONJI
21 should keep away from Tokyo. This was just the moment
22 when a firm line by these two might have been decisive,
23 although it may also be true that it might have pro-
24 voked trouble with the Army.
25

(JJ-12. b. T. 31531.

JJ-13. a. See e.g. T. 31616-7, 31566.
b. Ex. 179-I, T. 1938.)

K
n
a
p
p
&
K
a
p
l
e
a
u

JJ-14. Again, at the Imperial Conference of
1 11 January 1938, although SAIONJI had been specially
2 consulted as to whether it was in order for the Emperor
3 to ask questions and had replied in the affirmative,
4 the Cabinet prevented this by having everything cut
5 and dried in advance, and KONOYE told the Lord Keeper
6 that the Emperor should not say anything, so he did
7 not.^{a.} The General Staff complained of this.^{b.} At the
8 end of July, 1938, HARADA reports KIDO as saying,
9 "It is disturbing to have the Emperor taking such
10 pointed actions," in reference to the Emperor's rebuke to
11 ITAGAKI about the abominable actions of the Army.^{c.}

JJ-15. On 20 April 1939, occurred the in-
13 stance set out in Paragraph JJ-12 hereof. Two days
14 later HARADA records him as outlining a plan whereby
15 instead of changing the Emperor's views he was to be
16 forced to acquiesce by a threat of cabinet resignation.^{a.}
17 It is true that on 5 May^{b.} he seems to have changed
18 his views as to the best way of dealing with the immed-
19 iate problem, but that does not alter the importance
20 of his previous remarks as showing his attitude towards
21 the Emperor.
22

23 JJ-14. a. Ex. 3264, T. 29,837
24 b. Ex. 3789A, T. 37,718
c. Ex. 3793A, T. 37,754
25 JJ-15. a. Ex. 3799B, T. 37,804
b. Ex. 3800A, T. 37,808

1 would never give his consent. He reproached KIDO for
 2 concealing the whole matter from SAIONJI and himself
 3 and was extremely dissatisfied with KIDO's excuse for
 4 this. It is curious in view of this that KIDO in his
 5 affidavit professes that all his thinking on this
 6 subject was based on SAIONJI's views. ^{b.} KIDO and KONOYE
 7 said to HARADA that they had told the Emperor that it
 8 was the only way to keep the United States out of war,
 9 and that as the Navy had withdrawn their opposition it
 10 must go through. This explanation is obviously incom-
 11 plete. Out of what war? If merely out of the European
 12 war, what interest had Japan in this? But if Japan intend-
 13 ed military action against British, French, Dutch and
 14 Portugese possessions in the Far East, as we submit
 15 she clearly did, and with KIDO's knowledge and approval, ^c
 16 then it means that the object was at least to prevent
 17 the United States from interfering with those proceed-
 18 ings.
 19

20 JJ-18. KIDO asserts ^a that MATSUOKA conducted
 21 the negotiations so secretly that he himself only heard
 22 of them from KONOYE on 12 September, but he does not
 23 say that he then informed the Emperor, nor does it

24 JJ-17. b. Par. 153, T. 30,907-9
 25 c. Ex. 627, par. 2, T. 6972-3
JJ-18. a. Par. 152, T. 30,907

appear that he did so, when on the 14th TOJO secretly
 1 told him that the Army and Navy had agreed upon the
 2 pact, ^{b.} and MATSUOKA suggested that the Senior Statesmen
 3 be consulted. ^{c.} The first record of his discussing it
 4 with the Emperor is on 16 September, ^{d.} but the diary
 5 entry does not give any particulars, though he professes
 6 to supply them from memory and to transfer to this
 7 date a conversation recorded in his diary as having
 8 taken place on the 21st, ^{e.} the effect of which he mis-
 9 represents. ^{f.} It clearly says that the China Incident
 10 should be got out of the way in preparation for the
 11 war with England and the United States, which he fore-
 12 saw as the result of the Pact, not as he says "because
 13 it was an irritant to the United States." Nor does
 14 this or any other entry in his diary support his asser-
 15 tion that he opposed the Pact.

17 ^{a.}
 18 JJ-19. Paragraph 155 is unintentionally
 19 illuminating on this point. He states that once the
 20 Government had approved a certain course it was too
 21 late for the Emperor to do anything effective to prevent
 22 it, though prior to that he might have done so. We
 23 submit that the true inference from the above facts

24 JJ-18. b. Ex. 627, par. 6 (not read)
 c. ib. pars. 7 & 8 (not read)
 25 d. Par. 153, T. 30,907-9
 e. Ex. 2277, T. 16,250
 f. See also par. 156, T.30,911
JJ-19. a. T. 30,910-1

is that HARADA's suspicions were well founded, and that
 1 KIDO participated with KONOYE in a scheme to conceal
 2 the pact from the Emperor until it was too late, and
 3 then to persuade him to accept it by an obviously un-
 4 sound explanation. It appears that he attended the
 5 Privy Council meeting which finally approved the Pact.^{b.}
 6 As to the Emperor's power to give directions as to
 7 foreign policy and as to peace and war, i. e., prac-
 8 tical as well as nominal power, he admitted such powers,
 9 though he tried to qualify them by saying that he meant
 10 only that the Emperor could express his opinions to the
 11 Cabinet.^{c.}
 12

13 KIDO and the Duties of the Lord Keeper.

14 JJ-20. In pars. 40-46^{e.} KIDO records a series
 15 of discussions in 1932 with Prince SAIONJI and asserts
 16 that these refute our contention that as Lord Keeper
 17 he developed a new function, that of advising the Emper-
 18 or on the choice of every new premier. They do not;
 19 they merely show a desire on the part of SAIONJI, ow-
 20 ing to his advancing years, to have the assistance of
 21 the Senior Statesmen in exercising this function and a
 22 draft scheme prepared by KIDO in which the Lord Keeper
 23

24 JJ-19.

b. Ex. 643, last par. T. 7049 (not read)

c. T. 31,576-7, 31,597

25 JJ-20.

a. Pars. 40-46, T. 30,781-93

1 was to play no part except, perhaps, that of a convener.
 2 There is no evidence that even this was put into prac-
 3 tice before KIDO became Lord Keeper. Nor is there any
 4 support for KIDO's assertion in par. 145^{b.} that his
 5 predecessor had adopted a somewhat similar method.

6 JJ-21. The subject cropped up again in
 7 November, 1939. With regard to the diary entry of 10
 8 November 1939,^{a.} KIDO in par. 127^{b.} makes an entirely
 9 unfounded allegation as to the manner of its introduc-
 10 tion and translation. It was in fact fully revised
 11 by the Language Arbitration Board before its introduc-
 12 tion and bears a number of corrections by them. The
 13 procedure which KIDO advocates for choosing a new
 14 premier is a meeting of ex-premiers--whether the Lord
 15 Keeper should participate in it at all needed further
 16 consideration, but he should not recommend a premier to
 17 the Throne. He should confine himself to acting as
 18 the Emperor's adviser. Later when he became Lord
 19 Keeper he reversed this view and took it upon himself
 20 to make the recommendation after consulting the ex-
 21 premiers.

22 JJ-22. As soon as he got into office a new

23 JJ-20. b. Par. 145, T. 30,901-2

24 JJ-21. a. Ex. 2273, T. 16,242

25 b. Par. 127, T. 30,886-90

1 procedure was laid down by him and he obtained the
 2 Emperor's approval of it, although SAIONJI was still
 3 alive. This is set forth in his diary for 16 July
 4 ^{a.} 1940. The Lord Keeper was to summon the President of
 5 the Privy Council and the former premiers, seek their
 6 opinions, himself participate in the discussion, and
 7 report the result and their answer after consultation
 8 with SAIONJI.

9 JJ-23. The entry for 17 July, ^{a.} which is a
 10 full account of the meeting, shows that the procedure
 11 was carried out. KIDO took full part in the discussion,
 12 supporting the nomination of KONOYE and stressing the
 13 fact that the Army supported him, although he now pro-
 14 fesses ^{b.} to have been disturbed by this fact. The result
 15 was merely reported to SAIONJI, not even by KIDO him-
 16 self, after the meeting.

17 JJ-24. After SAIONJI's death the same pro-
 18 cedure was followed on 17 July 1941. ^{a.} At the vital
 19 meeting of 17 October 1941, he took it upon himself to
 20 recommend TOJO to the meeting and afterwards to the
 21 Emperor, although the support obtained for him at the
 22 meeting is dubious. ^{b.} On 18 July 1944, he reverted to

23 JJ-22. a. Ex. 532, pp. 3-5, especially the last par.
 24 on p. 3, the first half of p.4 and the 3rd
 25 par. on p. 5, T. 6245-8
JJ-23. a. Ex. 532, T. 6249-53
 b. Par. 143, T. 30,900-1
JJ-24. a. Ex. 1116, T. 10,165; Ex. 1117, T. 10,166 and
 b. affid. par. 216, T. 30,991-31,018
 Ex. 1154, T. 10,291; Ex. 2250, T. 16,198

the procedure of 17 July 1941.^{c.} On 5 April 1945, he introduced on his own initiative another innovation by consulting before the meeting the two Chiefs of Staff and the outgoing War and Navy Ministers and reporting their views to the meeting.^{d.}

JJ-25. KIDO repeatedly asserts, e. g. in pars. 47-49,^{a.} that the duty of the Lord Keeper to advise the Emperor on political matters, and especially foreign affairs,^{b.} only arose on request by the Emperor. The diary entries nowhere support this assertion, which KIDO constantly repeated with a view to minimizing his responsibility. On the contrary we submit that the entries from June, 1940, onwards refute it.^{c.} TOGO, cross-examined on behalf of KIDO,^{d.} stated, we submit, with obvious truth that the duty of "advising the Emperor at all times" included offering unsolicited advice when proper. TOGO also speaks of KIDO's duty to convey information from the Cabinet members to the Emperor and vice versa, and complains of KIDO's failure in this respect on an important occasion in February, 1942,^{e.} when the Emperor urged speedy peace moves.

JJ-24.

c. Ex. 1278, T. 11,377

d. Ex. 1281, T. 11,384; Ex. 1282, T. 11,388

JJ-25.

a. T. 30,793-7

b. See Ex. 1066, T. 9876

c. e. g. Ex. 532, p. 3 last par., T. 6245; Ex. 2277,

T. 16,250

d. T. 35,798-9

e. T. 35,810-1

KIDO and the China War.

1 JJ-26. When KIDO joined the first KONOYE
 2 Cabinet on 22 October 1937, the China war was already
 3 well advanced, the idea of imposing a local settle-
 4 ment had been abandoned, the Shanghai incident had taken
 5 place, and the troops were progressing towards NANKING.
 6 a. He admits that he was in close touch with KONOYE and
 7 had been advising him before he joined the cabinet,
 8 and must therefore have known of the policies adopted
 9 on 7 August^{b.} and 1, 11 and 22 October,^{c.} as well as
 10 the "Plan for Heavy Industries in Manchuria,"^{d.} although
 11 he is careful to allege in his affidavit^{e.} that the
 12 latter was approved three hours before he joined the
 13 cabinet. He was therefore well aware of the kind of
 14 cabinet he was joining and the actions and policies to
 15 which it was committed. On 27 October he was at the
 16 cabinet meeting which decided to reject the invitation
 17 to the Nine-Power Conference;^{f.} he alleges^{g.} that this
 18 had been decided before he joined, but the diary does
 19 not say so; if it is true he must have heard it from
 20 KONOYE before he joined, and anyway he agreed. On

- 21 JJ-26. a. Affidavit, pars. 64-5, T.30,825-6
 22 b. Ex. 3735, T. 37,219
 23 c. Ex. 3263, T. 29,815; Ex. 3268, T. 37,236;
 24 Ex. 3735, T. 37,219
 25 d. Ex. 239, T. 2960
 e. Par. 67, T. 30827
 f. Ex. 2255, T. 16,218
 g. Par. 68, T. 30,827

3 November 1937, he records a conversation with SUGIYAMA,^{h.}

1 which in his affidavit^{h.} he says was about the settle-
2 ment of the China Affair, but this is not borne out by
3 the diary,^{1.} which includes among the subjects "the
4 declaration of war."

5 JJ-27. With regard to his conversations with
6 KONOYE on 15 and 16 November 1937, no doubt it is true,
7 as he says,^{a.} that the subject under discussion was
8 one of KONOYE's numerous proposals of resignation, but
9 the diary shows clearly that it is untrue (as he alleges)
10 that KIDO's objection to this was based upon the effect
11 it would have on the prospects of peace -- on the con-
12 trary, it was the effect it would have on the fortunes
13 of war "now when we are on the offensive."^{b.}

14 JJ-28. Again the passage in the affidavit^{a.}
15 dealing with the diary entry of 19 November 1937,^{b.} is
16 a misrepresentation of the entry. There is no record
17 of KIDO warning SUGIYAMA against abusing the new regu-
18 lations (which undoubtedly he had discussed with him
19 on 3 November), but merely a question as to the meaning
20 of an incident. Although no declaration of war was
21 issued, the Army or a large part of it had already been
22

23 JJ-26. h. Par. 70, T. 30,828-30

24 i. Ex. 2256, T. 16,219

24 JJ-27. a. Pars. 70 & 71, T. 38,828-31

25 b. Ex. 2257, T. 16,220

25 JJ-28. a. Par. 72, T. 30,831-2

b. Ex. 2258, T. 16,221

1 mobilized and an Imperial General Headquarters was in
 2 fact established, as is made clear by exhibit 3272,^{c.}
 3 without any recorded protest by KIDO.

4 JJ-29. KIDO's account of the cabinet's
 5 decision as to the new peace terms for China^{a.} is not
 6 borne out by the diary entry quoted in par. 81 of 18
 7 December 1937. It is completely at variance with
 8 what HARADA records^{b.} as having been said by both HIROTA
 9 and KIDO on 21 December, which shows clearly KIDO's
 10 objection to the General Staff's desire for immediate
 11 peace and for the submission of precise terms. The
 12 reasons given are totally different from those stated
 13 in his affidavit. KIDO's account of the cabinet meet-
 14 ing of 21 December,^{c.} again contains a gloss which is
 15 not borne out by the diary.^{d.} and omits all reference
 16 to the important words "counter-measures for the China
 17 Affair."

18 THE PRESIDENT: Mr. Carr, we will recess for
 19 fifteen minutes.

20 (Whereupon, at 1445, a recess was
 21 taken until 1500, after which the proceed-
 22 ings were resumed as follows:)

23 JJ-28. c. Ex. 3272, T. 37,260

24 JJ-29. a. Affidavit pars. 77-81, T. 30,834-7

25 b. Ex. 3788A, T. 37,709, T. 31,426-49

c. Par. 82, T. 30,837

d. Ex. 2259, T. 16,222

G
r
e
e
n
b
e
r
g
&
Y
e
l
d
e
n

1 MARSHAL OF THE COURT: The International
2 Military Tribunal for the Far East is now resumed.

3 THE PRESIDENT: Mr. Comyns Carr.

4 MR. COMYNS CARR: JJ-30. The next and most
5 important cabinet meeting was that of 24 December,
6 of which, as already mentioned, KIDO makes no mention
7 whatever until cross-examined.^b It should be con-
8 sidered in detail, but the result may be summarized
9 as a complete plan for the establishment of puppet
10 regimes in North and Central China and Shanghai, the
11 economic exploitation of the area for the benefit of
12 Japanese "national defense" and economy, the pretense
13 of Chinese management with the reality of complete
14 Japanese control, the concealment of the policy until
15 a "suitable occasion," and the postponement of inter-
16 ference with the concessions in order to avoid dis-
17 putes with third countries.

18 JJ-31. Next come the cabinet meetings of 9
19 and 10 January 1938, which decided the policy to be put
20 before the Imperial Conference on 11 January,^a to none
21 of which is there any reference in the affidavit.
22 Exhibit 3265 shows that the General Staff considered
23 the peace terms already proposed too aggressive.

24 JJ-30. a. Ex. 3263, T. 29,815

25 b. T. 31,470-3

JJ-31. a. Ex. 3264, T. 29,837; Ex. 3265, T. 29,855

Exhibit 3264 sets out the detailed terms which are in fact not less, but more aggressive than the earlier ones; they were in fact never disclosed to the Chinese.^b Exhibit 3265 also contains an appendix on page 2 summarizing the subsequent events down to 18 January, and shows that on 14 and 15 January, Liaison Conferences and Cabinet meetings were held to discuss the Chinese request for details of the terms which KIDO had insisted should be kept vague. He admits that it was natural for the Chinese to ask details,^c but concurred in the decision to refuse them. The General Staff pressed for these to be given but the cabinet objected and finally the General Staff gave way under protest, and the statement refusing to deal further with Chiang Kai-shek's Government was issued. KIDO stated^d that he took no part in this decision and infers that he knew nothing of the views of General TADA,^e Vice-Chief of the General Staff. But his diary refers to the "epoch-making announcement about the China Affair. We continued our discussion through the afternoon we thought we decided."

JJ-32. HARADA's account of this matter^a is

JJ-31. b. Ex. 486B, T. 5984; Ex. 486C, T. 5987

c. T. 31,463

d. Pars. 84-5, T. 30,338-40

e. Ex. 2260, T. 16,223

JJ-32. a. Ex. 3789A, T. 37,718

1 much fuller and contains detailed statements by HIROTA,
2 TADA and two by KIDO to HARADA, which make it clear
3 that he knew all about TADA's views and played a vehe-
4 ment part in opposing them. It also shows that the
5 motive of the General Staff in desiring an immediate
6 end to the China Affair was to prepare against Russia.
7 KIDO's regret (at the end of par. 84) that Japan
8 missed the first opportunity to make peace with
9 China is, we submit, hypocritical, since he and
10 HIROTA were the two principally responsible. It is
11 remarkable that in par. 85 KIDO professes ignorance
12 as to the source of the prosecution's questions to
13 the witness KAWABE on this point, since before KIDO
14 gave evidence the HARADA records had been under
15 study by the defense for three months. KIDO's state-
16 ment at the end of par. 86^b that the decision to set
17 up and deal with a new government was a shortcut to
18 peace ("rather than to overrun the vast territory of
19 China with armed forces") contrasts sharply with the
20 cabinet and Imperial Conference decisions^c that if the
21 Chinese Central Government did not accept Japan's
22 terms, "the Empire shall be determined to annihilate
23 them" and to that end "should promote the rapid
24

25 JJ-32. b. Par. 86, T. 30,840-1
c. Ex. 326^d, P. 4, T. 29,845-6

1 cultivation and complete arrangement of total national
2 strength, especially the national defense power." It
3 appears from HARADA's entry of 11 December 1937,^d
4 that the decision to refuse to deal with Chiang
5 Kai-shek had been envisaged, if not finally taken,
6 as early as that date.

7 JJ-33. On 21 January 1938, a most important
8 cabinet decision on the general principles of national
9 policy was taken^a (following upon the last mentioned
10 decision) "to strive for the strengthening of our
11 national power internally and to plan for the develop-
12 ment of our Empire externally. With a period of emer-
13 gency extending over several years as our objective ...
14 Military aims in the China Incident shall be perfectly
15 attained and the status of general mobilization com-
16 pleted all measures shall be taken in response
17 to the prolonged resistance of China Within the
18 next four years the promotion of the development of
19 important industry shall be planned supplies of
20 materials necessary from the standpoint of national
21 defense secured under a comprehensive plan including
22 North China, etc., besides Japan and Manchukuo
23 The guidance of national thought shall be strengthened
24

25 JJ-33.

Ex. 3270, T. 37,249
JJ-32. d. Ex. 3787A, T. 37,702

and made complete ... education (KIDO's department)
 1 will be reformed in order to cultivate the character
 2 of the people of a great nation necessary state
 3 control over (everything) for the purpose of nation-
 4 al preparedness." Following out this policy KIDO
 5 admits ^b that he approved of the National General
 6 Mobilization Law. ^c

7 JJ-34. In par. 87 ^a KIDO roundly asserts
 8 that the first time he ever heard of the Nanking
 9 atrocities was after the surrender in August, 1945,
 10 and says that if he had heard of them at the time he
 11 would certainly have tried to do something about it
 12 even though it was not a matter of cabinet responsi-
 13 bility. The latter contention is, in our submission,
 14 unfounded, but the assertion we claim has been proved
 15 to be false, and deliberately so, for no one could
 16 have known of such a thing and forgotten it. HIROTA ^a
 17 admittedly knew all about them throughout the period
 18 during which they were occurring both from the re-
 19 ports of the International Committee forwarded to him
 20 by the Japanese Legation in Nanking and from the
 21 foreign press. So did SUGIYAMA. It is inconceivable
 22

23 JJ-33. b. T. 31,512

24 c. Ex. 84, T. 684

25 JJ-34. a. Par. 87, T. 30,841, see the following para-
 graphs hereof: F5, p. F5; F9, p. F10; F11,
 p. F12; F17, p. F18; F20, p. F20; F22, p.
 F22; F32, p. F32; F91, p. F87.

that both of them, especially the former, should
 1 have failed to inform their cabinet colleagues. But
 2 it is now, in our submission, also clear that KIDO
 3 had seen the reports on the subject in the foreign
 4 press and the above-mentioned diplomatic reports and
 5 that in any event his attention was drawn to the
 6 former by Baron OKURA in the House of Peers on 16
 7 February 1938. This was made pretty clear by the
 8 newspaper extract and his cross-examination thereon,
 9 which we submit is obviously full of prevarication;
 10 but the actual Diet report^c shows that OKURA referred
 11 to articles in the foreign press about the conduct of
 12 the Japanese forces at Nanking and Shanghai, and KIDO
 13 himself admits hearing about these reports as to
 14 Shanghai and "quite a number of reports from other
 15 sources," which can only have been, at least must
 16 have included, the diplomatic reports received by
 17 HIROTA about Nanking. Not only, therefore, was he
 18 guilty of failure to take any steps in the matter as
 19 he admits he ought to have done, but his credit as a
 20 witness is destroyed.

22 JJ-35. KIDO's diary entry of 19 May 1938^a
 23 is completely misrepresented in his affidavit.^b The

24 JJ-34. a. HIDAKA, T. 21,453 c. Ex. 3737A, T. 37,285

25 b. Ex. 3342A, T. 31,487, 31,514-26

JJ-35. a. Ex. 2261, T. 16,224 b. Ex. 3340, T. 30,845

two points of real importance about it are (1) that not only was he a party to the original decision not to deal with Chiang Kai-shek but he was also a party to the later reiterations of that decision in November^c and December^d 1938; (2) that he here again commits himself to a protracted warfare of about three years, if the success then being achieved by the Japanese Army did not force Chiang Kai-shek to accept the Japanese terms.

JJ-36. In paragraphs 93-7^a KIDO discusses the cabinet reorganization with entries from his own diary showing the major part he played in it. But again the diary does not support his assertion that the object was to introduce new members more favorable to concessions to China in order to settle the incident. In the middle of paragraph 94 he says that HIROTA had been criticized in the Diet about the statement refusing to deal with Chiang Kai-shek. Yet when he was cross-examined^b about an actual recorded criticism of HIROTA on this matter on 16 February 1938, (of the opposite kind from that which he suggests) he later refused to admit that he had heard it,

JJ-35. c. Ex. 268, T. 3563

d. ib. T. 3565

JJ-36. a. Ex. 3340, T. 30,846-53

b. T. 31,485-507, Ex. 3340

though he himself answered the immediately preceding
 1 interpellation and at first he said he thought he was
 2 present,^c or that he became aware of HIROTA's state-
 3 ment. The allegation in paragraph 96^d that ITAGAKI
 4 was appointed to settle the China Affair because he
 5 was popular with the Chinese contrasts with his own
 6 impression of ITAGAKI recorded in his diary on 17
 7 November 1931^e and 11 January 1932,^f as well as with
 8 the evidence as to the latter's career as Chief of
 9 Staff of the Kwantung Army, especially in 1935.

11 JJ-37. His entry for 23 July 1938^a shows
 12 that he was in touch with the proceedings of the Five
 13 Ministers' Council,^b though he stresses that he was
 14 not a member of it.

15 JJ-38. In paragraph 103^a KIDO speaks of
 16 his duties as Minister of Welfare, but he makes no
 17 reference to their including the Opium Committee, as
 18 shown in his diary for 12 December 1938.^b This was
 19 one of the subjects on which Japan still purported
 20 to cooperate with the League until the decision, to
 21 which KIDO was a party, to withdraw from all bodies
 22 was taken on 2 November 1938.^c He presents his ex-

24 JJ-36. c. T. 31,486, Ex. 3340

d. Ex. 3340, T. 30,849

e. Ex. 3340, T. 30,742

f. Ex. 2191, T. 15,731

25 JJ-37. a. Ex. 3340, T. 30,853

b. Ex. 3457, T. 37,350

JJ-38.

a. Ex. 3340, T. 30,858

b. Ex. 3341, T. 31,391

c. Ex. 2264, T. 16,231

cuses for this in paragraph 106.^d Japan's actual proceedings with regard to opium are described in paragraphs #95-106 of this summation, and we submit that from the time when he became Welfare Minister he bears direct, as distinct from general responsibility for them.

JJ-39. Although, as he points out, there were various movements during 1938, especially by UGAKI, for reversing the decision of 14 January and dealing direct with Chiang Kai-shek,^a this idea was abandoned after UGAKI's resignation. On 3 November 1938, the Government of which KIDO was a member issued a statement renewing its determination not to so act.^b This decision seems to have coincided with the plot, to which KIDO refers,^c for the escape of Wang Chao-Ming from Chungking in order to put him at the head of a strengthened and consolidated puppet Government for all China with which Japan would deal. The vital statement of 3 November^d contains the words: "The National Government has been reduced to a local regime, but as long as the regime continues the anti-Japan and pro-Communist policy,

JJ-39.

JJ-38.

- a. Ex. 2263, T. 16,227 d. Ex. 3340, T. 30,863
 b. Ex. 268, T. 3563
 c. Ex. 3341, T. 31,491; Ex. 2265, T. 16,291
 d. Ex. 268, T. 3563

1 Imperial Japan will never lay down arms until the
2 regime is completely destroyed. The ultimate aim of
3 Imperial Japan is to establish a New Order which
4 will secure eternal peace in the Far East, and this
5 is the final purpose of the present war." And on
6 22 December 1938,^e KONOYE said, "The Government is
7 determined ... to devote itself consistently to the
8 complete destruction of the Anti-Japanese National
9 Government by force, and

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25 JJ-39.

c. ib. T. 3565

at the same time to the establishment of a New Order
in East Asia, cooperating with the thoughtful persons
of the same spirit in China In view of the pre-
sent situation in China, we demand China to approve
the stationing of Japanese Army forces for preventing
Communism at defined places during the term of valid-
ity of the said agreement." These public statements
were publicly adopted by HIRANUMA as the basic policy
of his new Government which KIDO also joined; he also
spoke of the extermination of those who opposed it.
KIDO's only reference to any of these statements is
in paragraph 112^g where he says that the HIRANUMA
Cabinet demonstrated a continuity of policy in trying
to settle the China Affair by appointing KONOYE as
Minister without portfolio. In our submission, they
completely destroy the whole of his story on this sub-
ject. The only kind of settlement contemplated from
14 January 1938 onwards, if not before, was the com-
plete submission or destruction of the National
Government of China; only on that submission would
they be graciously permitted to merge with the new
puppet Governments, which were being established from
the winter of 1937 onwards^h and were now to be

JJ-39.

f. Ex. 2229A, T. 15,988 g. T. 30,870-1
h. Ex. 463, T. 5296

amalgamated.

1 JJ-40. The affidavit nowhere mentions the di-
2 ary entry of 12 December 1938,^a already twice re-
3 ferred to herein, which also shows that among the
4 reasons for which KIDO tried to dissuade KONOYE from
5 resigning was the embarrassment it would cause to
6 ITAGAKI "who had despatched an army of 1,600,000
7 strong overseas." This was the man whom KIDO had
8 described in paragraph 96^b as so popular with the
9 Chinese that he would settle the incident. Cross-
10 examined, KIDO said that he had exaggerated the figure.^c
11 He also asserted^d that he had only discussed the
12 matter with ITAGAKI because KONOYE asked him to do so
13 as a friend, whereas the diary says "wishing to con-
14 sult the War Minister myself, I asked the Premier to
15 leave the matter to me" -- a typical instance of the
16 way in which he distorts his own diary in order to
17 minimize his responsibility.
18
19
20
21
22
23

24 JJ-40.

- 25 a. Ex. 3341, T. 31,391
 b. T. 30,849,52
 c. T. 31,394, 31,478
 d. T. 31,395

JJ-41. KIDO's account in paragraph 111^{a.}

1 of the circumstances in which he accepted the Home
2 Ministry in HIRANUMA's cabinet again depends upon
3 an elaborate gloss, not substantiated by the diary.^{b.}
4 On the contrary the entry of 17 February 1939, quoted
5 in paragraph 111, shows that his decision was not to
6 drop the Reform Bill which he mentioned, but not to
7 submit it "alone," i.e., to deal with it as part of
8 some more elaborate measure.
9

10 JJ-42. Later references to the "China
11 Incident" are mostly involved with other matters,
12 and will be dealt with where they occur.
13
14
15
16
17
18
19
20
21
22
23
24

25 JJ-41.

a. T. 30867-70.

b. Ex. 2267, T. 16233.

KIDO's Work as Education Minister

1 JJ-43. KIDO was Education Minister from
2 October 22, 1937 to May 26, 1938, and as such becomes,
3 in our submission, responsible for furthering the
4 alleged conspiracy in two distinct ways. In the first
5 place his membership in the cabinet makes him respon-
6 sible for the acts of the cabinet whilst he was a
7 member of it and in addition he is responsible for
8 the policy pursued by the Education Ministry whilst
9 he was its chief.
10

11 JJ-44. In our contention KIDO was always a
12 man who used whatever power he had and not one who
13 would at any time have been a figurehead. He has
14 himself spoken of having been interested, when
15 appointed, in fulfilling his duties as Minister of
16 Education to the best of his ability and of having
17 been anxious to receive information, suggestions and
18 opinions so that he could make proper decisions.^{a.}
19 When a little over a year later he became Home Minister,
20 he stated in his diary that he accepted this position
21 on condition that he could dispose of pending Home
22 Ministry problems at his own discretion.^{b.} In our
23 submission, his responsibility for the policy of the
24

25 JJ-44.

a. T. 30828.

b. Ex. 2267, T. 16233.

Education Ministry whilst he was its chief is very
 1 real and clear.

2 JJ-45. He has testified that whilst Minister
 3 of Education, he allowed the Tokyo Imperial University
 4 self-autonomy and freedom of thought,^{a.} and denied^{b.}
 5 the statement of the prosecution witness, OUCHI, that
 6 he, KIDO, was responsible for Professor YANAIBARA
 7 being dismissed from the faculty of Tokyo Imperial
 8 University for expressing pacifist views.^{c.} KIDO
 9 makes a point of the fact that OUCHI admitted his
 10 evidence was hearsay,^{d.} but in view of OUCHI's testi-
 11 mony that the then President of the University referred
 12 the matter to him, OUCHI,^{e.} and discussed it with him
 13 in detail,^{f.} it is submitted that OUCHI's evidence is
 14 reliable. OUCHI testified that he knew very well
 15 that the President of the University consulted KIDO
 16 about this matter,^{g.} and that in 1937 six professors
 17 and also other members of University staffs were dis-
 18 missed because they were suspected of being sympathetic
 19 to peace ideals. After their discharge all were
 20 arrested and imprisoned by the police.^{h.} KIDO admits
 21 having two interviews in one afternoon with Vice
 22

23 JJ-45.

24 a. T. 30828.
 25 b. T. 30833.
 c. T. 945, 952.
 d. T. 30833.

e. T. 952.
 f. T. 953.
 g. T. 953.
 h. T. 945.

Minister YAMAKAWA about the case of Professor YANAIBARA and recorded both interviews in his diary.^{i.} He must therefore have taken a good deal of interest in the matter. Considering his character and that he was then Minister of Education, it is submitted that it is inconceivable he should have taken this amount of interest in the case of a University professor accused of pacifist propaganda and yet remained a mere spectator, not in any way interfering, as claimed by him.^{j.} It is submitted that the true account of this matter was given by OUCHI.^{k.}

JJ-46. According to IKESHIMA, in 1937, whilst KIDO was Minister of Education, the school system was reorganized and more school time was devoted to military training and the teaching of military subjects.^{a.} KIDO says that the evidence to this effect is absolutely false.^{b.} However, as KIDO says that Prime Minister KONOYE set up an Educational Council to revamp the educational system and that he, KIDO, sought to prevent militarists from becoming members of it (this is at the end of November, 1937),^{c.}

JJ-45.

i. T. 30833.
j. T. 30833.
k. T. 944.

JJ-46.

a. T. 1103.
b. T. 30834.
c. T. 30832.

1 it is pertinent to consider the cabinet decision on
2 or about January 21, 1938, to strengthen the guidance
3 of national thought and the accompanying cabinet
4 statement that "it is expected that education will be
5 reformed in order to cultivate the character of the
6 people of a great nation."^d. This is from the sixth
7 paragraph of a cabinet decision on the general
8 principles of the national policy as stated by the
9 Prime Minister KONOYE to Foreign Minister HIROTA on
10 January 21, 1938.^e. It is submitted that the Education-
11 al Council which had been set up less than two months
12 previously was clearly the body which the cabinet
13 had in mind when it stated in January, 1938, that it
14 expected education to be reformed. As this cabinet
15 decision stated this reform in education was to be
16 "in order to cultivate the character of the people
17 of a great nation," some idea of the type of reform
18 intended may be gathered from the remainder of the
19 document laying down the general principles of the
20 national policy, which has already been summarized in
21 paragraph JJ-33 hereof. The fact that the Educational
22 Council was set up to play its part in promoting such
23 a policy as this gives one an idea of how much
24

25 JJ-46.

d. Ex. 3270, T. 37251.

e. Ex. 3270, T. 37249.

1 credence to give KIDO's statement that he sought to
 2 prevent militarists from becoming members of it.^{f.} It
 3 is also, in our submission, confirmation of IKESHIMA's
 4 evidence.^{g.}

5 JJ-47. KIDO's sympathy with, and participa-
 6 tion in, Japanese aggression in China is also shown
 7 by an article called "the Japanese Spirit," published
 8 by the Department of Education in the Tokyo Gazette
 9 for March-April, 1938, when KIDO was Minister of
 10 Education.^{a.} KIDO denied all responsibility for
 11 this article,^{b.} but the defense's witness IWAMATSU
 12 admitted that generally speaking no statement would
 13 be issued by the Department of Education without the
 14 knowledge of the Minister of Education.^{c.} The article
 15 justified Japanese policy in China and condemned the
 16 Chinese Government for not yielding to Japan.

17 JJ-48. Contradictory statements were made
 18 by defense witnesses about military training in
 19 Japanese schools. IWAMATSU first stated that neither
 20 ARAKI nor KIDO, when Minister of Education, took any
 21 new measures concerning military education^{a.} and then

22 JJ-46.

23 f. T. 30832.
 24 g. T. 1103.

JJ-48.

a. T. 18543.

25 JJ-47.

a. Ex. 266, T. 3543.
 b. T. 30842.
 c. T. 18582.

amended this by saying that ARAKI had never done so
 "at his own initiative."^b He repeated, however,
 that no such measures were taken by KIDO, whether at
 his own volition or not.^c When asked about one of
 the important ordinances concerning military training
 listed by him^d (i.e., regulations with respect to the
 youth schools)^e which had, according to him, been
 agreed upon by the departments concerned before ARAKI
 became Education Minister,^f he denied any agreement
 whilst KIDO was Minister of Education^g and stated
 that the regulation issued in April, 1939, had been
 agreed on in 1935.^h

JJ-49. It is submitted that nothing has
 occurred to shake the prosecution's evidence that
 KIDO used his position as Minister of Education to
 further militarism and aggressive nationalism.

KIDO and the Negotiations with Germany
 and Italy in 1938-9.

JJ-50. The first reference to this in the
 diary is for 9 August 1938.^a In paragraph 101^b he
 gives a long account of his discussion with KONOYE,

JJ-48.

- b. T. 18548.
- c. T. 18555.
- d. T. 18544.
- e. T. 18548.
- f. T. 18564.
- g. T. 18568.
- h. T. 18569.

JJ-49.

- a. See paragraphs F-79-82,
 paragraphs F-78 - 81.

JJ-50.

- a. Ex. 2262, T. 16225.
- b. T. 30855-6.

1 none of which is supported by the diary. It is,
2 however, significant that he was consulted privately
3 about it when it was not disclosed in the cabinet
4 meeting. In paragraph 109^c. he describes another
5 discussion with KONOYE on this subject, again quoting
6 a diary entry of 17 December 1938, which again, how-
7 ever, does not support his statement as to his own
8 opinion or as to his ignorance, repeatedly alleged
9 and shown to be untrue, of the proceedings of the
10 Five Ministers' Conferences. If, as he suggests,
11 this question influenced the decision of the KONOYE
12 Cabinet to resign, it is remarkable that both he and
13 KONOYE joined the HIRANUMA Cabinet, which immediately
14 continued the negotiations in which KIDO took part,
15 as will be shown.

16 JJ-51. In dealing with this question in
17 paragraphs 112-119^a. KIDO again falsely suggests that
18 he was entirely opposed to the alliance, and that
19 because this was dealt with by the Five Ministers
20 Conference of which he was not a member, and they
21 failed to arrive at an agreement, he had nothing to
22 do with it, except from the point of view of the
23

24 JJ-50.

25 c. T. 30864-6; See generally paragraphs F-110 -
130 hereof; paragraphs F-103 - 124.

JJ-51.

a. T. 30870-7.

1 none of which is supported by the diary. It is,
2 however, significant that he was consulted privately
3 about it when it was not disclosed in the cabinet
4 meeting. In paragraph 109^c. he describes another
5 discussion with KONOYE on this subject, again quoting
6 a diary entry of 17 December 1938, which again, how-
7 ever, does not support his statement as to his own
8 opinion or as to his ignorance, repeatedly alleged
9 and shown to be untrue, of the proceedings of the
10 Five Ministers' Conferences. If, as he suggests,
11 this question influenced the decision of the KONOYE
12 Cabinet to resign, it is remarkable that both he and
13 KONOYE joined the HIRANUMA Cabinet, which immediately
14 continued the negotiations in which KIDO took part,
15 as will be shown.

16 JJ-51. In dealing with this question in
17 paragraphs 112-119^a. KIDO again falsely suggests that
18 he was entirely opposed to the alliance, and that
19 because this was dealt with by the Five Ministers
20 Conference of which he was not a member, and they
21 failed to arrive at an agreement, he had nothing to
22 do with it, except from the point of view of the
23

24 JJ-50.

25 c. T. 30864-6; See generally paragraphs F-110 -
130 hereof; paragraphs F-103 - 124.

JJ-51.

a. T. 30870-7.

possible effect of a dispute upon public order in Japan. While it is true that this was an aspect of it with which he was particularly concerned, it is clear that he was taking an active part in the matter generally. Also, the Government did arrive at a decision in favor of a proposed treaty contained in communication from HIRANUMA to Hitler formally handed over by Foreign Minister ARITA to Ambassador Ott on 4 May 1939, which would have committed Japan in the event of war between Germany and the USSR to active participation and, if the war should be with Britain and/or France, to "political and economic and, to the extent possible to her power, military assistance" to Germany.^{b.} It is true that neither the Germans and Italians, nor OSHIMA and SHIRATORI, nor ITAGAKI, nor the Army thought this went far enough, and the whole matter was brought to a temporary stop by the German-Russian Non-Aggression Pact. On 31 March 1939, KIDO conferred with HIRANUMA on the subject generally.^{c.} On 14 April,^{d.} paragraph 115 quotes and misrepresents a diary entry which shows that he again was informed of all the circumstances by HIRANUMA, and KIDO insisted that the Army and Navy

JJ-51.

b. Ex. 503, T. 6103.

c. Ex. 2268, T. 16234.

d. T. 30872-5.

must arrive at some compromise or other and that
 HIRANUMA must write personal letters to Hitler and
 Mussolini. On 19 April he wanted the Alliance con-
 cluded because failure would have a very bad effect
 not only on the domestic situation, but also on the
 China Incident.^e On the next day HARADA records a
 most important talk with KIDO on the subject, which
 shows that KIDO used intrigue to persuade the Emperor
 to agree with the Army's views at HIRANUMA's request.^f
 Two days later HARADA again reported a scheme to
 force the Emperor's hand by threatening cabinet
 resignation.^g On 2 May 1939, he, KIDO, records his
 view that it would be subject to the same two dis-
 advantages if the negotiations failed and this should
 be avoided; but in any case public opinion should be
 unified. He was not so much concerned as to what
 kind of alliance was made with Germany so long as they
 avoided quarrels in Japan.^h The effect of his two
 last-mentioned diary entries is again misrepresented
 in his affidavit. On May 5, HARADA records that he
 had changed his attitude since April 20th and was
 advocating the recall of OSHIMA and SHIRATORI,ⁱ but

JJ-51.

- e. Ex. 2269, T. 16235.
- f. Ex. 3799A, T. 37789.
- g. Ex. 3799B, T. 37804.
- h. Ex. 2270, T. 16235.
- i. Ex. 3800A, T. 37808.

1 this was the day after HIRANUMA's letter to Hitler,
2 which was not acceptable to them. But on 4 August
3 he was again urging a compromise between the Army
4 and Navy, without going into its terms, to avoid the
5 fall of the cabinet.^j Immediately afterwards,
6 however, follows an important quotation from HARADA
7 relative to this of 10 August 1939.^k It shows that
8 the whole matter was discussed in the cabinet and
9 that there was a "pre-arranged plan" on which they
10 were all agreed, i.e. the one of 4 May, but that
11 ITAGAKI and the Army were also determined on a full
12 military alliance if this plan was not accepted by
13 Germany. In our submission, all these extracts show
14 that KIDO was so far from opposing the alliance that
15 throughout he was seeking to promote its conclusion
16 by various schemes of securing agreement between the
17 contending parties within the cabinet, not only
18 because he feared disturbances in Japan if it fell
19 through, but also because he thought it would have a
20 bad effect on the movement for establishing Wang's
21 regime in China. It is particularly significant that
22 he was urging compromise not only to ITAGAKI, who
23 favored full military alliance, but to YONAI, who
24 JJ-51.

25 j. Ex. 2271, T. 16237.
k. Ex. 3807A, T. 37846.

1 opposed it.¹ This in itself refutes his claim to
2 have been an opponent and shows him as a supporter
3 at least of the compromise plan, which committed
4 Japan a long way towards war. But he told HARADA
5 on 12 August 1939 that HIROTA would be the best
6 candidate as Premier to succeed HIRANUMA, because he
7 had told KONOYE that his views were much the same
8 as the Army's, i.e., on the full military alliance.
9 So it seems that KIDO also agreed with this view.^m

10
11
12
13
14
15
16
17
18
19
20
21
22
23
24 JJ-51.

25 1. Ex. 2270, T. 16235.
m. T. 38703.

M
O
R
-
&
W
h
a
l
e
nKIDO and the New Party.

JJ-52. During the nine months when KIDO was out of office the question of the new political party or merger of existing parties, which he had already discussed in detail with KONOYE on 7 September 1938,^a again came into prominence.^b KONOYE was to be President and KIDO Vice-President. It was not to be formed until KONOYE had accepted the Imperial mandate, which they already contemplated on 26 May, more than seven weeks before YONAI was forced out of office. Then the new party was to be formed, the dissolution of all the old ones requested, and all Ministers were to be made to join the new one. There was also to be a supreme national defense conference and a cabinet consisting only of the Premier and the War and Navy Ministers. It follows that even if the Premier was a civilian he would be the only civilian member of either body. It was suggested, however, that according to circumstances there might be two or three other cabinet members. KIDO deals with this in paragraphs 130-135.^c Although he asserts that this was not to be "one state, one party" on the Nazi model, and that the object was

(JJ-52. a. Ex. 2263, T. 16,227
b. Ex. 2274, T. 16,246; Ex 2275,
T. 16,247; Ex. 2276, T. 16248.
c. T. 30,891-5.)

1 to strengthen the Premier against the military, this
 2 seems completely at variance with the scheme as set
 3 out.
 4

5 KIDO's actions after he became Lord Keeper.

6 (1 June 1940 - 2 September 1945)

7 JJ-53. KIDO stresses that the diary entries
 8 in this period merely show him receiving information
 9 from cabinet Ministers and others and not expressing
 10 opinions or taking action himself.^{a.} This is in many
 11 cases true, but in our submission, (1) they show his
 12 knowledge of the nefarious schemes of his fellow con-
 13 spirators and that (2) he had a duty to advise the
 14 Emperor to prevent them. We submit that the fact that
 15 he made no protest to the cabinet members, and gave
 16 no such advice to the Emperor is in itself evidence
 17 of his acquiescence in the plans. The two examples
 18 mentioned in the paragraphs cited show that even the
 19 comparatively mild YONAI cabinet and its Foreign
 20 Minister ARITA were planning to use force (if neces-
 21 sary) against French Indo-China^{b.} and the Netherlands
 22 East Indies, and regarded the Nine Power Treaty as in-
 23 operative and not to be revived;^{c.} KIDO accepted all

24 (JJ-52. d. Ex. 2275, T. 16247)

25 (JJ-53. a. e.g. pars. 138-9, T. 30897-8

b. Ex. 619, T. 6823

c. Ex. 1294, T. 11708)

1 these views without objection. The same remarks apply
 2 to many later instances, not all of which we think
 3 it necessary to quote. We shall draw special atten-
 4 tion to those where he does record his opinion or
 5 advice.

6 JJ-54. Paragraph 150^{a.} is a remarkable mis-
 7 representation of his entry of 9 September 1940,^{b.}
 8 which contains no record of his indignation at the
 9 military action in French Indo-China as alleged. The
 10 same is true of paragraph 151^{c.} as to paragraphs 1
 11 and 2 of the entry of 14 September 1940,^{d.} which clear-
 12 ly shows KIDO as endorsing as well as reporting the
 13 opinion that "if we let matters continue without doing
 14 anything, the mischief-making of England and the U.S.
 15 would become more and more serious" and supporting
 16 MATSUOKA's proposal of an ultimatum to French Indo-
 17 China. This tends to negative his unsupported asser-
 18 tions about his opposition to the Tri-Partite Pact.^{e.}

20 JJ-55. On the question of the Tri-Partite
 21 Pact (which has already been discussed from another
 22 angle in paragraphs JJ-17-19 above, which should be
 23 read with what follows), the diary contains singularly

24 (JJ-54. a. T. 30905-6
 25 b. Lx. 626, T. 8971
 c. T. 30906-7
 d. Ex. 627, T. 6972
 e. Pars. 152-5, T. 30907-11)

1 little information to show KIDO's opinion, actions or
 2 advice to the Emperor, leaving the assertions in his
 3 affidavit that he opposed it entirely unsupported;
 4 but there are illuminating passages which point to
 5 their falsity. He says ^{a.} that he only learned of the
 6 negotiations from KONOYE on 12 September, but admits
 7 that he knew of Stahmer's arrival, which was in fact
 8 on 7 September 1940, ^{b.} and that secret talks were
 9 being conducted in MATSUOKA's house. He cannot have
 10 failed to guess their object, even if he was not in-
 11 formed of details. He also clearly knew that the Navy
 12 was opposed to the Pact because on 14 September he
 13 records ^{c.} that TOJO secretly informed him that this
 14 opposition had been withdrawn. There is no record of
 15 his having passed on to the Emperor any information
 16 on the subject before 16 September, ^{d.} nor does he so
 17 allege in his affidavit. Yet in paragraph 155 ^{e.} he
 18 himself says that prior to the Government arriving at
 19 a final decision the Emperor could effectively have
 20 intervened. Yet on 14 September he is clearly treating
 21 the matter as settled, because he is discussing details
 22 of the Imperial Conference to give it the usual formal
 23

24 (JJ-55. a. Par. 152, T. 30907

b. Ex. 3145, par. 2, T. 27,985

c. Ex. 627, par. 6, T. 6972.

d. Par. 153, T. 30907-8

e. T. 30910-11.)

1 sanction.^{f.} It is noticeable that this is the same
2 day on which he made the remarks about the "mischief-
3 making of England and the U.S." in connection with
4 another subject.

5 JJ-56. He introduces the subject in para-
6 graph 153^{a.} by describing himself as a disciple of
7 SAIONJI, which no doubt in earlier days he had been,
8 and he asserts that he visited him once a month and
9 heard and agreed with his pro-Anglo-American views.
10 There is no record of any such visits during these
11 later years, and HARADA on 20 October,^{b.} states that
12 he concealed the whole matter from both SAIONJI and
13 himself, together with his excuse for doing so. HARADA
14 records the Emperor's objection and the absence of any
15 satisfactory explanation by KONOYE or KIDO as to how
16 they had won him over. KIDO's diary entry of 21
17 September^{c.} contains his only record of any advice
18 bearing even indirectly on the subject, and it was far
19 from expressing opposition. It was to the effect that
20 if the alliance was concluded Japan would eventually
21 have to oppose both England and the United States and
22 therefore should take immediate steps to clear the

23 (JJ-55. f. Ex. 627, pars. 7 & 8, T. 6972)

24 (JJ-56. a. T. 30907-8

25 b. Ex. 3810, T. 37880

c. Ex. 2277, T. 16248)

China Incident out of the way. Of course, this would
 1 have helped Japan enormously in the Pacific War if it
 2 had been done. This entry does not show how he intended
 3 this to be done, and his statement in paragraph 156^{d.}
 4 that he advocated "decisive concessions" to the
 5 Emperor is again a gloss which should be rejected,
 6 especially in view of his entry of 29 November,^{e.} the
 7 effect of which is again misrepresented in paragraph
 8 160.^{f.} The advice was not that any compromise peace
 9 with Chiang Kai-shek should be sought, but that "we
 10 should be fully prepared to complete our national
 11 strength while securing key points." His objection to
 12 compromising with "positive action proponents" was
 13 because "owing to the exhaustion of our power" it would
 14 "cause inability to bring about the submission of the
 15 enemy." He clearly was still advocating a fight to
 16 a finish with the National Government and further pre-
 17 parations to ensure the result. The Tri-Partite Pact
 18 was finally agreed on 25 September, was approved by
 19 the Privy Council on the 26th, and was signed in Berlin
 20 on the 27th.^{g.} It seems probable that one of the
 21 objects of this haste was to prevent the Emperor from
 22 taking effective steps to stop it, but on KIDO's own
 23
 24
 25 (JJ-56. d. T. 30911
 e. Ex. 2278, T. 16251
 f. T. 30913
 g. Ex. 3145, pars. 10-11, T. 27985.)

showing it would not have been too late on the 21st if
 1 KIDO had advised him to do so.

2 JJ-57. Paragraph 157^{a.} is misleading as to
 3 the diary entry of 26 September 1940.^{b.} KIDO's regret
 4 at the action of a unit which forced a landing to
 5 bombard Haiphong was not an objection to the use of
 6 force as such. Without opposition from him it was
 7 decided to use force if the threat did not bring the
 8 Vichy Government to terms. He was criticizing the
 9 stupidity of those who used force contrary to orders
 10 when the threat had already produced the desired
 11 result.
 12

13 JJ-58. Paragraph 162^{c.} contains a long dis-
 14 sertation on KIDO's pacific views with regard to the
 15 border dispute between French Indo-China and Thailand,
 16 but this is entirely unsupported by the diary entry
 17 quoted at the end, which records only the Emperor's
 18 personal opinion and timid action.

19 JJ-59. Paragraph 163^{c.} and the diary of
 20 February 1941^{b.} record a report by the Chief of Staff
 21 from which it appears that the Navy intended to use
 22 Camranh Bay and the air bases near Saigon in preparation
 23

24 (JJ-57. a. T. 30911-2
 b. Ex. 643, par. 4, T. 7049)
 25 (JJ-58. a. T. 30915-7)
 (JJ-59. a. T. 30917-9
 b. Ex. 1303, T. 11743.)

1 for the southward policy and intended to deceive the
2 world by a false representation as to the object.
3 Neither in the diary nor the affidavit is there any
4 trace of opposition by KIDO either to the action or the
5 deception.

6 JJ-60. Paragraphs 166 and 167^{a.} are a long
7 attempt to explain away the plain meaning of the diary
8 for 19 April 1941,^{b.} which is not quoted. It says
9 that KIDO and KONOYE agreed that in any negotiations
10 with the United States they must be careful to keep
11 good faith with Germany and Italy and not to interfere
12 with the establishment of a new order in the Greater
13 East Asia Co-Prosperity Sphere "which is our fixed
14 national policy." This obviously confined the possibil-
15 ities of the negotiation within such narrow limits
16 that it is difficult to see how anyone on the Japanese
17 side can have had any belief in their success from the
18 beginning.

19 JJ-61. Paragraph 168^{a.} purports to deal with
20 the important diary entry of 28 April 1941^{b.} about the
21 duty of the Lord Keeper in advising the Emperor about
22 diplomatic questions and the situation when he, the

23 (JJ-60. a. T. 30922-4
24 b. Ex. 1065, T. 9875)

25 (JJ-61. a. T. 30924-5
b. Ex. 1066, T. 9876)

Premier and the Foreign Minister were simultaneously ill. The entry merely says that he asked Chief Secretary MATSUDAIRA to submit his opinion to the Throne but does not say what the opinion was. KIDO now asserts that he said that "the Lord Keeper had no authority concerning diplomatic matters but to convey Imperial questions to the Premier and Foreign Minister, nor to answer about a diplomatic problem on his own responsibility." This we submit is manifestly contrary to fact and to his own practice as repeatedly recorded in the diary. Chief Secretary MATSUDAIRA could have been called to corroborate this astonishing statement, if willing to do so. Actually, his was one of the affidavits served and withdrawn,^{c.} but the Tribunal had expressly ruled^{d.} that evidence of precisely this type would be admitted if available. He was called for another accused and examined for KIDO on another matter, but not on this one.^{e.}

JJ-62. In paragraph 175,^{a.} KIDO gives a long account purporting to be based upon the diary for 23 June 1941,^{b.} of a conversation with KONOYE about the changed situation caused by Germany's war against

(JJ-61. c. See par. JJ-8, above
d. T. 31631
e. See par. JJ-81, below)
(JJ-62. a. T. 30930-1
b. Ex. 1094, T. 10023)

Soviet Russia. He asserts that he said this had
 1 "changed one of the elements by which the Alliance
 2 was formed" and asked KONOYE to consider most care-
 3 fully whether the Alliance should be continued any
 4 longer, and that KONOYE agreed. There is no trace of
 5 this opinion in this or any other diary entry; it is
 6 in complete conflict with the opinion he expressed to
 7 KONOYE and HIRANUMA on 21 June,^{c.} and with the advice
 8 which he says he gave the Emperor on 31 July 1941.^{d.}
 9 We ask the Tribunal to disbelieve this story altogether.
 10 This entry also shows that he agreed in principle with
 11 SUZUKI's opinion about the unification and reinforce-
 12 ment of Imperial General Headquarters.

13 JJ-63. The entries for 18^{a.} and 25 June^{b.}
 14 and 5 July 1941^{c.} show that he knew of the plans for
 15 the advances into Southern French Indo-China on or
 16 before those dates, without any record of disapproval
 17 or of advice to the Emperor to attempt to stop them.
 18 Paragraph 177^{d.} of the affidavit contains the astonish-
 19 ing statement about the Imperial Conference of 2 July
 20 1941 that he never knew until he read KONOYE's memoirs
 21 that the plan there adopted "contemplated this advance
 22

23 (JJ-62. c. Ex. 781, T. 7910
 24 d. Ex. 1125, T. 10184, par. 2 of his
 answer to the Emperor.)

25 (JJ-63. a. Ex. 1089, T. 9998
 b. Ex. 1095, T. 10026
 c. Ex. 1112, T. 10155
 d. T. 30933.)

1 and was to be carried on even if it meant recourse to
 2 war against the United States and Britain." This was
 3 the only Imperial Conference of which he does not
 4 admit knowing all the details as it was obviously his
 5 duty to do; e.g. he quotes textually from the one of
 6 6 September 1941,^{e.} and if this text was available to
 7 him so must the others have been. Further it can
 8 hardly be reconciled with the diary for 2 July, im-
 9 perfectly quoted in paragraph 177, which shows the
 10 conference was held in the morning to adopt the nation-
 11 al policy, and in the afternoon the Emperor told him
 12 about it. Moreover, the practice was for the actual
 13 policy to be decided at previous Liaison Conferences,
 14 and the above-mentioned entry for 25 June shows that
 15 he knew that the policy on this point had been decided
 16 and reported to the Emperor. Again we ask the Tribunal
 17 to reject this story.

18 JJ-64. In paragraph 165^{a.} KIDO gives a para-
 19 phrase of his entry for 2 August 1941^{b.} which in itself
 20 makes it clear that he was not objecting to war with
 21 America in itself. He was only objecting to "a hasty
 22 decision to go to war now." He then says he recommended

23 (JJ-63. c. Ex. 2250, T. 16198)

24 (JJ-64. a. T. 30920-1

25 b. Ex. 1129, T. 10196)

1 an immediate and exhaustive study of Japan's actual
2 power and discussion of fundamental national policies.
3 The affidavit omits the important part of the entry
4 where he says that, if KONOYE resigned after failure
5 to secure agreement, "the Army and Navy would then
6 assume charge of the administration of the country."
7 This is exactly what happened in October on KIDO's
8 own recommendation.

9 JJ-65. One of the most illuminating of the
10 diary entries respecting KIDO's real attitude to the
11 question of a Pacific war is that of 7 August 1941,^{a.}
12 in which he says he expressed the opinion he then held
13 to KONOYE, of which he gives a long and misleading
14 paraphrase in paragraph 187^{b.} and entirely omits the
15 important parts of the diary, which we ask the Tribunal
16 to study from the text. The first ten paragraphs are
17 devoted to stating in detail the necessary scope and
18 practical difficulties of such a war in the circum-
19 stances of the time. Then come the vital words in
20 paragraph 11: "We could not do what we wanted on
21 account of the lack of our national power." What did
22 he want to do? Obviously not, as he now asserts, to
23 obtain needed materials from the southern areas by

24 (JJ-65. a. Ex. 1130, T. 10198
25 b. T. 30946-7.)

1 peaceful means. Lack of national power could not
2 prevent that; it was only prevented by the refusal of
3 Japan to assent to the terms on which they could have
4 been obtained. He goes on to say that they might be
5 compelled to make the same decision as in the case of
6 the Three Powers' interference after the Sino-Japanese
7 war. What Japan actually did was to submit for the
8 time being and wait for better opportunities to enforce
9 her will upon China, which came in 1915, 1931 and 1937.
10 In paragraphs 12 and 14 he speaks of a ten years' plan
11 with the ultimate objective of Japan's advance to the
12 Southern Regions consisting of "(a) expansion of
13 heavy industries and machine-tool industries, (b) estab-
14 lishment of a synthetic oil industry, (c) expansion of
15 ocean lines and shipping." What for? Obviously it
16 was to overcome the specific obstacles to the waging of
17 a successful war which he had listed in paragraphs 1-9.
18 In paragraph 13 he says they should "meanwhile" restore
19 friendly relations with the United States and try to
20 secure needed materials. We submit that this is the
21 advice of a man who fully shares the aims of the mili-
22 tarists but not their confidence in immediate success;
23 for success he is prepared to wait ten years. His
24 doubts are clearly based on those of NAGANO a week
25 earlier.^{c.} Later when NAGANO changed his view KIDO
(JJ-65. c. Ex. 1125, T. 10184)

fell in with the rest.

1 JJ-66. In paragraph 190^{a.} he relates an
2 alleged conversation with KONOYE on 5 September 1941,
3 before he saw the Emperor about the coming Imperial
4 Conference, of which conversation there is no trace
5 whatever in the diary,^{b.} though if true it would have
6 been the most important part of the entry. The same
7 remarks apply to another conversation between the two
8 alleged in paragraph 192^{c.} to have taken place after
9 KONOYE and the Chiefs of Staff had seen the Emperor
10 on the same day.
11

12 JJ-67. In the same paragraph he asserts
13 that before the conference on the 6th he himself
14 suggested to HARA, President of the Privy Council,
15 that he should ask some questions, which conversation
16 is not mentioned in the diary.^{a.} In any case he used
17 HARA's intention as an excuse for persuading the
18 Emperor not to ask his own questions, but merely to
19 conclude with a request that whole-hearted efforts
20 should be made in diplomatic negotiations. Efforts
21 were not likely to produce results unless instructions
22 were to agree to the terms necessary for success.

23 (JJ-66. a. T. 30948-9

24 b. Ex. 1134, T. 10214

c. T. 30951-3)

25 (JJ-67. a. Ex. 1135, T. 10215)

JJ-68. Paragraph 196^{c.} describes an alleged rebuke KIDO gave to KONOYE on 26 September 1941 about his desire to resign, in which he says he advised KONOYE to propose a review of the decision of 6 September. The only reference in the diary to this is "I advised him to be prudent," which certainly does not suggest a conversation of the kind alleged.

JJ-69. On 29 September 1941, the diary^{a.} relates a talk with HARA who wanted the final Imperial Conference before deciding on war to be less formal than usual and to include the senior statesmen in the Council. In paragraph 1947^{b.} KIDO says that this was followed in the meeting of 29 November, which is of course quite incorrect.

JJ-70. The diary entry of 9 October 1941^{a.} is another important exposure of KIDO's real mind at this time. It is substantially to the same effect as that of 7 August^{b.} and the same remarks apply.

JJ-71. The diary of 12 October 1941^{a.} gives Chief Secretary TOMITA's account of the Five Ministers' Conference at KONOYE's house and records Navy Minister OIKAWA as making the only sensible and sincere remark.

(JJ-68. a. T. 30,956-7) (JJ-71. a. Ex. 1147, T. 10246)
 (JJ-69. a. Ex. 1142, T. 10231
 b. T. 30957-8)
 (JJ-70. a. Ex. 1146, T. 10241
 b. Ex. 1130, T. 10198)

1 about the negotiations: "If our choice is the restora-
2 tion of friendly relations by diplomatic negotiations
3 we must do it thoroughly," which KIDO^{b.} rightly inter-
4 prets in paragraph 202 of his affidavit as "even making
5 considerable concessions." If KIDO had ever given
6 similar advice he would have shown his sincerity. But
7 TOJO insisted upon the terms: "(1) We should not
8 change our policy of stationing troops in China or the
9 other policies connected with it; (2) we should not
10 entertain anything that might affect the result of the
11 China Incident." KIDO therefore well knew that however
12 much TOJO might promise to continue negotiations for
13 a time, he did not intend to offer terms on which they
14 could possibly succeed.

15 JJ-72. The situation was fundamentally simple.
16 Japan had for years been engaged in a war of sheer ag-
17 gression in China, for which no one was more clearly
18 responsible than KIDO. She wanted to retain the fruits
19 of that aggression. She also wanted to make an aggres-
20 sive advance to the south, and by her actions in French
21 Indo-China had taken obvious steps for that purpose.
22 At the same time she wanted the United States, Britain
23 and the Netherlands to go on supplying her with materials,
24 especially oil necessary for that purpose.^{c.} They had
25

(JJ-71. b. T. 30962-8)

(JJ-72. c. Ex. 1125, T. 10184; Ex. 1130, T. 10198)

1 at last refused to do so. Only three possible courses
2 were open: (1) to give up aggression and make terms
3 acceptable to the ABCD powers; (2) to make war upon
4 the ABCD powers; or (3) to leave things as they were.
5 TOJO had declared himself for No. 2. OIKAWA, while he
6 would not declare himself, had intimated the willingness
7 of the Navy to support whatever decision KONOYE made
8 and their preference for No. 1. No one advocated No. 3
9 though it was clearly the only possible compromise,
10 no doubt because if they could not get the embargoes
11 lifted, Japan's power of waging war in the future would
12 gradually wane. On 13 October 1941,^{b.} KIDO and SUZUKI
13 agreed that KONOYE must try to promote mutual under-
14 standing between the War and Navy Ministers. Obviously
15 this could only be done by one or the other giving way.
16 The diary expresses no preference, but as usual at the
17 end of paragraph 204^{c.} the affidavit adds a gloss "to
18 bring about the peaceful solution." We submit that
19 KIDO was only interested in securing agreement, no
20 matter what it was. If he had a preference for a
21 peaceful solution at all, it was only because the hesita-
22 tion of the Navy caused him to take a poor view of the
23 chances of success.

24
25 (JJ-72. b. Ex. 1149, T. 10274
c. T. 30969-70)

JJ-73. On 15 October the question of a
1 HICASHIKUNI Cabinet came up, and KIDO would only agree
2 to it if a common policy had previously been worked out
3 between the Army and Navy. Again the diary contains
4 no indication what this common policy should be, but
5 paragraph 205 of the affidavit^{b.} supplies the usual
6 gloss and a further curious one -- that owing to the
7 Prince's inexperience, actual power would lie with the
8 Deputy Prime Minister who would probably be TOJO.
9 "Such being the case, the possibility of averting war
10 would be very slim." In our submission, he well under-
11 stood that the possibility of avoiding war was even
12 slimmer when TOJO became Premier. As no agreement had
13 been reached, KIDO vetoed the scheme. The reasons,
14 without the glosses, are reported in the entry for
15 16 October^{c.} in which he records having suggested to
16 TOJO revision of the resolution of 16 September, which
17 he describes as "rather careless". The meaning of this
18 phrase is in our submission clear: it was careless
19 in two respects, (1) in fixing a date without regard
20 to subsequent events, and more particularly (2) in
21 deciding upon war at that date, while the Navy, though
22

23 (JJ-73. c. Ex. 1150, T. 10184
24 b. T. 30972-5
25 c. Ex. 1151, T. 10281)

it had consented, was dubious and divided in opinion
 1 as to the prospects of success. On 9 October^{d.} he had
 2 for the first time recorded an objection (to KONOYE) to
 3 this resolution as "too outright, and not the conclusion
 4 of exhaustive discussion."

5 JJ-74. KIDO has given two accounts of his
 6 interview with TOJO on 16 October, besides the diary
 7 entry above-mentioned. Sometime in November, 1941, he
 8 related it as part of a history of events from 6 Sep-
 9 tember to 17 October^{e.} (hereinafter called "the
 10 November story"). In paragraph 209 of his affidavit
 11 he gives a longer and quite different account.^{b.}

12 Curiously enough the latter depicts TOJO as much less
 13 compromising than the former. But the affidavit also
 14 offers a very different version of KIDO's own state-
 15 ments. We ask the Tribunal to give more credence to
 16 the contemporary story in which KIDO purports to quote
 17 his own exact words: "In view of the present attitude
 18 of the Navy, it is hardly possible to decide on the
 19 opening of hostilities with America . . . In short,
 20 without the decisive assurance of the Navy, the utmost
 21 precaution must be taken in plunging into an all-out

22 (JJ-73. d. Ex. 1145, T. 10241)

23 (JJ-74. a. Ex. 2250, T. 16198
 24 b. T. 30983-4)
 25

1 war and gambling the fate of the country." There is
2 no trace of any contemporary document containing any
3 other objection than this on his part, or indeed
4 that of any of the other leading actors.

5 THE PRESIDENT: We will adjourn until half
6 past nine tomorrow morning.

7 (Whereupon, at 1600, an adjournment
8 was taken until Wednesday, 25 February 1948
9 at 0930.)
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25